

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34831 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- BALTHAR District- West Champaran

ABDUL WAHID, S/o Shekh Mustafa R/o Ward No.7, Kharsahawa, P.S.-
Balthar Shikharpur, P.S.- Sikta, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is registered under Sections 363, 366A of the
IPC and under Section 8 of the POCSO Act in connection with
Balthar P.S. Case No.25/2021.

As per the allegation in the FIR, the petitioner was
one of the person who abducted the minor daughter with the
help of other accused person namely Safdar Ali.

Learned counsel for the petitioner submits that there is
two days delay in lodging of the FIR and a love affair has been
turned into allegation against the accused persons including the
petitioner herein. It is his last submission that one of the co-
accused namely Safdar Ali has since been granted bail vide Cr.



Misc. No.49932/2021 on 28.04.2022.

Taking into account the fact that he is in custody since 19.05.2022, there is delay of two days in lodging of the FIR, as per the 164 Cr.P.C. statement of the victim girl, there is no allegation of physical or sexual assault on the petitioner, one of the co-accused namely Safdar Ali has since been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Balthar P.S. Case No.25/2021 to the satisfaction of learned 7th Additional District & Sessions Judge-cum-Special Judge, POCSO at Bettiah, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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