

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36521 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- JOGAPATTI District- West Champaran

Parwej Ansari Son Of Manauwar Ansari R/O Village- Barwa Ojha, P.S.-
Jogapatti (SHANICHARI), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-12-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jogapatti (Shanichari) P.S. Case No. 172 of 2022 lodged under
Sections 363, 366-A/33 of the I.P.C. and Section 12 of the
POCSO Act, 2012.

As per the prosecution case, the allegation of
kidnapping for the purpose of marriage is there in the F.I.R.
against 3 accused persons, including the petitioner.

Learned counsel for the petitioner submits that the
entire family members of the petitioner have been made accused
in this case. He submits that there was a love affair going on
between the petitioner and the alleged victim. He further
submits that there was no force imposed upon the alleged

victim. Learned counsel for the petitioner submits that the victim has been recovered and in her statement made under Section 164 of the Cr.P.C. she has not narrated any criminal act against the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 04.04.2022 having clean antecedent. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-the Special Judge, under POCSO Act, West Champaran at Bettiah in connection with Jogapatti (Shanichari) P.S. Case No. 172 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

Vide order dated 21.11.2022 a direction was given to the District and Sessions Judge, West Champaran at Bettiah, who has submitted the reply of the show cause notice.

Let the reply submitted by District and Sessions Judge, West Champaran at Bettiah is hereby accepted.

(Dr. Anshuman, J.)

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