

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46492 of 2021

Arising Out of PS. Case No.-121 Year-2019 Thana- BAJPATTI District- Sitamarhi

MD. FAIZAL @ FAIZAL @ FAIZAL ALI S/o Abdul Bari @ Abdul Barik
R/o Village- Harpurwa, Ward No.-1, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code.

As per the prosecution case, the allegation against the petitioner is that he took the victim along with him to Darbhanga and on the promise that he would marry her established physical relations with her for 15 days and thereafter left her at Sitamarhi.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The facts are otherwise which would be evident from the deposition of the victim recorded in course of trial wherein she has not supported the prosecution case. A copy of the deposition of the victim has been brought on record by the petitioner by way of a supplementary affidavit. The petitioner is in custody since 22.10.2019 and he undertakes to cooperate in the trial.



Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the contents of the deposition of the victim recorded in the trial in the learned Court below, the Court directs the petitioner to be enlarged on bail in connection with Trial no. 18 of 2020 (arising out of Bajpatti P.S. Case no. 121 of 2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VI-cum-Special Judge POCSO Act, Sitamarhi subject to the following conditions :

(i) One of the bailors of the petitioner shall be either his father or mother.

(iii) The petitioner shall remain physically present in Court on each date of the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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