

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39488 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- HILSA District- Nalanda

Md. Shahbaz Alam @ Chhotu Son of Md. Sagiruddin @ Md. Sagir Ansari @
Sagir Ansari @ Sagir Alam Resident of Village - Diawan, P.S.- Karai
Parsurai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi Wife of Sunil Singh Resident of Village - Bhurkur, P.S.- Hilsa,
District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hilsa
P.S. Case No. 406 of 2022 registered for the offence under
Sections 448 and 354 of the I.P.C. and Section-8/12 POCSO
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.06.2022.

The allegation against the petitioner is to outrage
modesty of minor daughter of the informant after house tress
pass.



Learned counsel appearing on behalf of the petitioner submitted that from the perusal of F.I.R. itself, it appears that victim was known to this petitioner. It is further submitted that the petitioner visited the house of informant in connection to collect dues of his shop. It is also submitted that present case lodged under wrong impression for the reason that petitioner belongs to different religious community. It is also submitted that the maximum allegation appears against this petitioner is of impersonation, where, under apprehension the present false case has been lodged, as petitioner might commit some offence related to sexual assault. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the maximum allegations, which appears against this petitioner is of impersonation, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hilsa P.S. Case No. 406 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of 7th Additional Sessions Judge-cum-Special Judge, POCSO, Biharsharif, Nalanda/concerned court, subject to the following conditions

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Sagiruddin, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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