

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52239 of 2021

Arising Out of PS. Case No.-203 Year-2021 Thana- RAMGARHWA District- East
Champaran

MD. REYAZ Son of Md. Abdullah Miyan @ Abdullah Miya Resident of
Village - Amodei, Shobha Tola, P.S. - Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP.
For the Informant	:	Mr. Umesh Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Madhurendra Kumar, learned counsel for
the petitioner, Mr. Umesh Kumar Singh, learned counsel for the
informant as well as Mr. Satyendra Narayan Singh, learned
Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Ramgarhwa P. S. Case No. 203 of 2021
C.I.S. No. 157 of 2021 registered for the offences punishable
under Sections 366 (A), 376 of the Indian Penal Code and
Section 8 of the of the Protection of Children from Sexual



Offences Act.

As per the prosecution case, it is alleged that on 27.06.2021 at about 08:00 P.M. the daughter of the informant went to attend the nature call, thereafter, she did not come back. On search, the informant came to know that the petitioner kidnapped her for the purposes of marriage. It is further alleged that on 05.07.2021, the girl was recovered and on inquiry, the victim disclosed that the petitioner on pretext of love has developed physical relation with her and when it was protested, he had assured her for getting married.

Learned counsel appearing on behalf of the petitioner submitted that with regard to the occurrence, which took place on 27.06.2021, the present F.I.R. has been instituted on 05.07.2021 after about more than nine days, however, no proper explanation for delay has been given. It is further submitted that during the course of investigation as would also be evident from the F.I.R. that the girl voluntarily returned back to her home on 05.07.2021 and thereafter, her statement was recorded under Section 164 Cr.P.C. wherein she has categorically stated that she did not identify the persons, who have taken away and she never made any complaint that any of them has committed any wrongful act. Learned counsel for the



petitioner also draws the attention of this court towards the medical report of the victim wherein her age has been assessed in between 18 to 19 years and further, no mark of recent sexual assault was found over her body. It is lastly submitted that this petitioner is in custody since 06.07.2021, having fair antecedent.

On the other hand, learned counsel for the informant opposes the bail application and submits that the victim in her statement recorded under Section 164 Cr.P.C. categorically stated that she was kept confined for 6 to 7 days and she was subjected to rape by the petitioner. It is also submitted that the age of the victim is 16 years.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the statement of the victim recorded under Section 164 Cr.P.C. as also the medical report wherein her age has been assessed in between 18-19 years, apart from the fact that this petitioner is in custody since 06.07.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-



VII-cum-Special Judge, POCSO Act, East Champaran, Motihari, in connection with Ramgarhwa P. S. Case No. 203 of 2021 C.I.S. No. 157 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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