

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48804 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

MD. IMTIYAZ @ SONU, S/o Md. Mustak, R/o village- Dogachhi, P.S.-
Jagdishpur (By Pass), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioner and
the learned APP for the State.

3. The petitioner seeks bail in connection with
Jagdishpur (Bypass) P.S. Case No.96 of 2021 registered for the
offences punishable under Sections 377 of the Indian Penal
Code and Section 4/6 of the POCSO Act.

4. The prosecution case alleges that the
informant's minor son, aged about four years, was allured by the
petitioner along with one co-accused Sajmul and thereafter
subjection to offences under Section 377 of the I.P.C..

5. Learned counsel for the petitioner submits
that allegation is based on extraneous considerations. The



petitioner is in jail since 18.04.2021 and has no criminal antecedents. The falcity of the allegation is apparent from the fact that there is no medical report along with the F.I.R., though it alleges that blood was oozing out of the victim. There is also a compromise dated 07.05.2022 between the parties which has been entered into after realizing that allegation was made under misunderstanding.

6. Learned APP has opposed the prayer for bail.

7. Considering the rival submissions, including the period of custody, the fact that there is no medical report, as also compromise, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI-cum-Special Judge POCSO Court, Bhagalpur, in connection with Jagdishpur (Bypass) P.S. Case No.96 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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