

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63838 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- CHHATAUNI District- East Champaran

MD. REYAZ @ MD. REYAZ @ REYAZ Son of Late Md. Feroz @ Md. Firoj
Resident of Mohalla- Khuda Nagar, Ward No. 14, P.S.- Chhatauni, 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. Kundan Rathore, Advocate
	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 15.09.2021, seeks
regular bail in connection with Chhatauni P.S. Case No. 202 of
2021 registered for offences punishable under Sections 341,
323, 377, 504/34 of the Indian Penal Code read with Section 4
of the POCSO Act.

Sri Madhurendra Kumar, learned counsel appearing
on behalf of the petitioner submits that petitioner and the victim
boy were good friend who had come to the house of the
petitioner along with him where last rite of the father of the



petitioner was being performed. Allegation is against two co-accused namely Md. Sahil and Md. Imteyaz that they had assaulted the victim physically as well as sexually.

Sri Kundan Rathore, learned counsel appearing on behalf of the informant submits that there is direct allegation against all the accused persons who have assaulted the victim sexually as well as physically and as such the petitioner does not deserve to be released on bail.

Learned A.P.P. for the State has also opposed the prayer for grant of bail to the petitioner.

Considering the allegation made in the FIR and the specific submission made by the learned counsel for the petitioner, the Court below is directed to take the statement of the victim boy and his family members as well as the family members of the present petitioner and all those independent witnesses whose name have surfaced in course of investigation to the effect as to whether the present petitioner had assaulted the victim physically or sexually and in any manner no such case is made out, the petitioner, above named, is directed to be released by the Court below on such terms and conditions after arriving at a definite finding that there is no involvement of the present petitioner in alleged offence committed under Sections



341, 323, 377, 504/34 of the Indian Penal Code read with Section 4 of the POCSO Act. The petitioner is aged about 19 years and there is every possibility that the victim and the petitioner were good friends. The Court below shall pass such order without being prejudiced by the order dated 21.09.2021.

Accordingly, the present bail application is dismissed.

(Purnendu Singh, J)

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