

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54861 of 2022**

Arising Out of PS. Case No.-67 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Md. Sahadat @ Md. Sahadat Hussain S/O Late Md. Shahid, Resident of  
Molvichak Nawada, Ward No- 07, P.S.- Dalasingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-12-2022              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Heard Mr. Surya Narayan Roy, learned counsel  
appearing on behalf of the petitioner and learned APP for the  
State through video conferencing.

The petitioner seeks regular bail, who is in custody in  
connection with Dalasingsarai P.S. Case No. 67(S) of 2020  
registered for the offences punishable under Sections 448, 341,  
323, 354, 354(B), 379, 504, 506/34 of the Indian Penal Code  
and Section 8 of the POCSO Act.

The prosecution case is based on a written report filed  
by the informant alleging therein, that on 01.02.2020, at about  
07:30 PM, while the informant was not present in the house, in



the meantime, the petitioner and co-accused Md. Dulare entered into the house of the informant and started eve teasing with the daughters of the informant, when the same was objected, both the accused persons, including the petitioner, torned the clothes of the daughters of the informant and when they raised alarm upon which the informant rushed there, in order to rescue them, however, both the accused persons fled away after assaulting the informant and snatching the golden chain. It is further alleged that when the informant made complaint to the mother of the accused persons, both of them abused and threatened with dire consequences.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place on 01.02.2020, but surprisingly, the present FIR has been instituted on 04.03.2020 after a delay of more than one month and no explanation, whatsoever, has been assigned for causing such delay in lodging of the FIR. He further submits that in fact both the informant and the petitioner are neighbors and on account of some dispute, the name of the petitioner has been implicated in this case, who happens to be cousin brother-in-law of co-accused, Md. Dulare. He next submits that the petitioner is a man of fair antecedent and is in custody since 10.12.2021.



On the other hand, learned APP for the State vehemently opposes the bail application and submits that the victim girls have supported the prosecution case that they were subjected to molestation, at the hands of the petitioner and another co-accused person.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the period of custody and fair antecedent, let the petitioner, named above, 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-VI-cum-Special Court (POCSO), Samastipur, in connection with Dalasingsarai P.S. Case No. 67 of 2020, subject to the condition that one of the bailors will be the close relatives 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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