

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.282 of 2022**

Arising Out of PS. Case No.-78 Year-2020 Thana- CHERIYA BARIYARPUR District-  
Begusarai

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MD FIROZ SAH @ MD. FIROZ Son of Sobrati Sah Resident of Village-  
Momin Tola, Bishunpurwa, Ward No.-10, Police Station-Loriya, District-West  
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s :

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      03-08-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding in  
  
physical mode in normal course.

A supplementary affidavit has been filed on behalf of  
the petitioner, which is kept on record.

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

Petitioner seeks bail in a case registered for the  
offence punishable under Sections 376 of the IPC and Section 4  
of the POCSO Act.

Earlier the prayer for bail of the petitioner was  
rejected vide order dated 19.05.2021 passed in Cr. Misc.  
No.38367 of 2020 with observation that the “*learned Trial*



*Judge is directed to expedite the trial”.*

Vide order dated 10.05.2022, a report was called for with regard to the present status of the trial. Report reveals that the charges have been framed on 21.10.2020 and the case is running on the stage of evidence and out of ten charge-sheet witnesses, only one prosecution witness namely, Dr. Arun Kumar has been examined.

In view of the report, learned counsel for the petitioner submits that till date only one witness has been examined. He further submits that the petitioner has clean antecedent and he is in custody since 26.05.2020.

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

Considering the facts and circumstances of the case and the period of custody, 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 learned Court below where the case is pending in connection with POCSO Case No.15 of 2020 arising out of Cheriya Bariyarpur P.S.Case No.78 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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