

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5663 of 2023

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Araria

MD. SAHIL Son of Md. Moharram @ Md. Moharram Ali, R/v- Uda Ward
No.- 5, P.S.- Mahalgaon, District- Araria. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Adv.
Priyanka Singh, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-05-2023 Heard Mr. Yogesh Chandra Verma, the learned Senior
counsel for the petitioner as well as the learned Additional
Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Special (POCSO) Case No. 20 of 2021, arising out of
Mahila P.S. Case No. 53 of 2021, registered for offence
punishable under Sections 376(3), 341, 323/34 of the Indian
Penal Code and Section 4 of the Protection of Children from
Sexual Offences Act.

The learned Senior counsel for the petitioner has
submitted that the recital of the FIR shows itself its suspicious
nature. It says that firstly the victim was assaulted and
thereafter, the rape was committed. He has submitted further
that on the same day, wife of the petitioner has also lodged a
case under Section 376(D) of the Indian Penal Code and its



allied sections against the members of the prosecution side. As a matter of fact, both the parties are agnates and there is dispute between them and it was the reason for false implication of the petitioner in this case.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Araria in connection with Special (POCSO) Case No. 20 of 2021, arising out of Mahila P.S. Case No. 53 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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