

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9456 of 2023

Arising Out of PS. Case No.-865 Year-2022 Thana- FORBESGANJ District- Araria

Tabrej Mansuri @ Md. Tabrej Son of Md. Jabir Mansuri R/V- Madhubani,
Ward no. 7, P.S- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
10.11.2022 in connection with Forbesganj P.S. Case No. 865 of
2022, F.I.R. dated 14.08.2022 for the offences punishable under
Sections 341, 323, 354(B), 307, 379, 427, 504, 506/34 of the
Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioner along
with other accused persons tried to outrage the modesty of the
informant by tearing her clothes and also assaulted the other
members of the family by means of hammer due to some land



dispute.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to land dispute. He further submits that the petitioner is the cousin brother of the victim. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has no concern at all with the offences as alleged in the F.I.R. He further submits that no such occurrence has taken place as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Sessions Judge-VI-cum Special Judge (POCSO), Araria in connection with Forbesganj P.S. Case No. 865 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

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