

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10329 of 2023

Arising Out of PS. Case No.-344 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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RIZWAN ALAM @ RIZWAN ANSARI SON OF IBRAR ALAM @
IBARAR ALAM @ IBRAR ANSARI @ IBARAR ANSARI R/O VILL.-
JAMADAR TOLA, WARD NO. 1, P.S.- BETTIAH TOWN (KALIBAGH
O.P.), DISTT.- WEST CHAMPARAN Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and learned APP for the State.

The petitioner is an accused in connection with
Bettiah (Town) P.S. Case No. 344 of 2017 registered for the
offences under sections 366A and 34 of the Indian Penal Code
and section 8 of the POCSO Act lodged on 15.05.2017 by the
informant, Md. Sharif Mian.

The case of the prosecution as stated in the brief is
that on 03.05.2017 at about 10:00 A.M. the daughter of the
informant (hereinafter called as 'victim') aged about 17 years
had gone to Bettiah Market for some work. But when she did
not return till late then the informant started searching her but
failed to do so. Thereafter, he returned home and came to learn
that six (6) people were standing with Motorcycle towards the
West direction of his house. He further came to know that all the



six persons including the petitioner herein are from Bettiah. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that they already have got married and so far as the allegation, a perusal of the 164 Cr.P.C. statement of the girl would show that she had gone to her friend's home on that day and next day she returned but her father lodged the FIR. She has further recorded in her statement that she wants to go to her in-laws house which according to the learned counsel is petitioner's home.

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that in 164 Cr.P.C. statement, the girl has narrated that she had gone to her friend's home.

Considering the aforesaid facts as also that he is in custody since 18.01.2023 (as stated in paragraph 15 of the bail application) and the girl has showed her inclination to live with the petitioner herein, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge 6th cum Special Judge (POCSO),



West Champaran at Bettiah in connection with Bettiah (Town)
P.S. Case No. 344 of 2017, subject to the following conditions:-

(i) one of the bailor should be the wife, namely Rajiya Praveen @ Gudiya of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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