

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9957 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- BALRAMPUR District- Katihar

Azmal Hussain, S/o Mahfooj @ Md. Mahfuj, R/o Village- Fatehpur, P.S.-
Balrampur (Telta O.P.). Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N. K. Agarwal, Sr. Advocate Mr. Arvind Kumar, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-05-2023 1. Heard learned Senior counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Balrampur (Telta O.P.)
P.S. Case no. 118 of 2022 registered under sections 354B, 341,
323, 504, 506 and 34 of the Indian Penal Code and section 8 of
the POCSO Act.

3. As per the prosecution case, it is stated by the
informant that the two named accused persons including the
petitioner herein who were both brothers took away the 15 year
old informant and started to misbehave with her. They also
made an attempt to undress her. The informant further states that
she somehow managed to escape.

4. Learned Senior counsel for the petitioner submits



that the petitioner has been falsely implicated in the case for oblique reasons. No such occurrence as alleged in the FIR has taken place. The petitioner has been falsely implicated under the case over some differences in marriage negotiation. The petitioner is in custody since 14.10.2022 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, the instant case having been registered after a delay of 17 days with no explanation for the same, the petitioner having remained in custody for more than 4 months since 14.10.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Balrampur (Telta O.P.) P.S. Case no. 118 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge-VII -cum- Special Judge POCSO, Katihar.

(Partha Sarthy, J)

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