

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10596 of 2023**

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S District- West Champaran

IRFAN MIAN @ IRFAN ALAM S/O LATE HADISH MIAN Resident of  
Village- Tuniya Bishunpur, P.S.- Manuapul, O.P., District- West Champaran.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Brij Kishor Mishra, Advocate |
| For the Informant    | : | Mr. Akhileshwar Kumar, Advocate  |
| For the State        | : | Mr. Anil Kumar, APP              |

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

4      07-08-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the Informant and learned APP  
for the State.

2. Petitioner seeks bail, who is in custody since  
23.12.2022, in connection with Bettiah Mahila P.S. Case No. 21 of  
2022, F.I.R. dated 07.09.2022 registered for the offences  
punishable under Sections 376, 316, 420/34 of the Indian Penal  
Code and Sections 4, 6 of the POCSO Act.

3. Allegation against the petitioner is that on the  
pretext of marriage he made physical relationship with the minor  
victim and became pregnant and the petitioner brought her to  
Om Nursing Home, Bettiah and aborted her.

4. Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that the



allegation against the petitioner is that on the pretext of marriage the petitioner made physical relationship with the victim. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 12.05.2022 but the present F.I.R. was instituted on 07.09.2022 after delay of about four months without giving any explanation of delay. He further submits that except the statement of the victim under Sections 161 and 164 of the Cr. P.C., no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and as per as allegation of abortion is concerned, there is no report available on record to suggest the victim was aborted earlier. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.12.2022.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and at the time of the occurrence the victim was minor and charge has already been framed against the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 21 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 witness, 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 antecedents, 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.

Ibrar//-

**(Rajesh Kumar Verma, J)**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

