

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19811 of 2023

Arising Out of PS. Case No.-296 Year-2019 Thana- SAMASTIPUR District- Samastipur

Md. Sajid Parwej Son Of Md. Shakur R/V- Mathurapur Akbarpur, P.S.-
Warisnagar (MATHURAPUR O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-03-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mrs. Sangeeta Sharma, 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 in a case registered for the
offences punishable under Sections 363, 366A and 376(AB) of
the Indian Penal Code and Section 4 of the POCSO Act.

Earlier the bail petition of the petitioner was rejected
vide order dated 11.04.2022 passed in Cr. Misc. No. 57792 of
2021. Thereafter, the petitioner had again approached this
Hon'ble Court in Cr. Misc. No. 71313 of 2022 which was
dismissed as withdrawn on 04.01.2023 with a liberty to move a



fresh application before the learned court below.

According to prosecution case, the elder daughter of the informant had talked to one boy/man over a phone and since then both the daughter of the informant as well as the boy could not be traced.

Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner was in love with the victim. He further submits that the date of occurrence was 21.11.2022 but the present F.I.R. was instituted on 25.11.2022 i.e. after delay of 4 days without giving the explanation of the said delay. He next submits that it appears from the impugned order dated 19.01.2023 that the charge has been framed against the petitioner on 18.12.2021 and since then not a single prosecution witness has been examined by the prosecution. He further submits that in view of the observation of the learned Trial Court, it appears that there is no chance of early conclusion of the trial in the near future. The petitioner is in custody since 20.03.2021 i.e. more than two years.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Samastipur Town P.S. Case No. 296 of 2019, 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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