

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20747 of 2023

Arising Out of PS. Case No.-570 Year-2021 Thana- DHAKA District- East Champaran

JAHIR ALAM SON OF SAHID MIAN R/O VILLAGE- LAXMIPUR
LAUKHAN, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 20.01.2023 seeks
bail, in connection with Dhaka P.S. Case No.570/2021, dated
21.11.2021, for the offences punishable under Sections 363,
366A, 504, 506, 34 of the IPC & Sections 4/8 of the POCSO
Act.

3. According to prosecution case, the petitioner is
alleged to have abducted the minor daughter of the informant
for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the petitioner was in love with the victim girl and they have performed marriage in a temple in Nepal. He further submits that the victim girl was recovered and her statement under Section 164 Cr.P.C. was recorded, in which, she has categorically stated that she was in love with the petitioner and she has performed her marriage with the petitioner and she wants to live with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 6th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 570/2021, subject to the following conditions:-

1. One of the bailors should be the victim, namely,



Sangeeta Kumari D/o Lalan Rai, Resident of mouza-Bakri Hari,
P.S. Dhaka, District-East Champaran at Motihari.

2. 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.

3. 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.

4. 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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