

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24547 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- GORAUL District- Vaishali

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MOHAMMAD ISLAM SON OF LATE MOHAMMAD RAFIQUE R/O
VILLAGE- CHEHRAKALAN, P.S.- GORAUL (KATHARA- OP),
DISTRICT- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2023 Heard Miss Smiti Bharti, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is in custody in connection with Goraul
P.S. Case No. 19 of 2023 for the offence under sections 363 and
366 of the Indian Penal Code read with Sections 7 and 8 of the
POCSO Act lodged on 16.01.2023 by the informant, Sanjay
Sah.

As per the prosecution story, the victim girl had gone
to Ration shop and allegation is that thereafter, the accused
person took her away as she could not be traced out, the F.I.R.

Learned counsel for the petitioner submits that the
case is of 12.01.2023, F.I.R. lodged after an inordinate delay of
four days on 16.01.2023 and subsequently, the girl was



recovered on 19.01.2023.

It is her further submission that in the medical examination, her age was assessed between 17-19 years, her submission is that in any case, the petitioner is the father, 75 years of age and the main allegation is against his son, Irfaan and the four days delay in lodging F.I.R. gave them ample opportunity to drag the entire family members.

Learned APP, Mr. Bharat Bhushan submits that it is the case where the accused person took the minor girl away and only after the F.I.R. was lodged, she could return safely. He as such opposes the prayer.

Considering the aforesaid submissions as also that the main allegation is against petitioner's son, Irfaan, the petitioner is 75 years old, do not have criminal antecedent, the age of the victim girl has opined to be 17-19 years, F.I.R. lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 19 of 2023



subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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