

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26302 of 2023**

Arising Out of PS. Case No.-592 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Zikur Miyan @ Jikur Miyan S/O Jokhu Miyan R/O Village- Godhwa, P.S-
Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate
		Mrs. Perna Rishi, Advocate
For the Opposite Party/s :		Mrs. Pushpa Sinha, A.P.P.

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

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
09.09.2022 in connection with Motihari Muffasil P.S. Case No.
592 of 2022, F.I.R. dated 14.08.2022 for the offences punishable
under Sections 365 of the Indian Penal Code.

3. According to prosecution case, informant
Ramchandra Shah has filed written report alleging therein that
he had married his son Gopal Kumar with Priya Kumari in the
year 2019 according to Hindu rituals. His son Gopal Kumar is
retarded. On 07.08.2022, his daughter-in-law Priya Kumari alias
Gulli eloped with his co-villager (petitioner) with cash and
jewellery. The informant further alleged that Zikur Miya



(petitioner) lured her and took her away, he search a lot but could not find them anywhere.

4. Learned counsel for the petitioner submits that petitioner is innocent 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 petitioner has not committed any offence as alleged in the F.I.R.. He further submits that the victim is a married girl and she had gone with the petitioner on her own sweet will and the allegation against the petitioner to commit rape upon her is false and fabricated as medical report of the victim does not support the allegation, as alleged in 164 of Cr.P.C. statement of the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner, who is in judicial custody since 09.09.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against him that he has committed rape upon the victim girl. He further submits that the petitioner carries one criminal antecedent other than the present one, in which he is on bail, as stated in para-3 of the bail petition.



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 A.D.J.-VI-cum-Special Judge, POCSO, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 592 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 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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