

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28158 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- GOPALPUR District- West Champaran

Rojdeen Miyan Son Of Jaan Mohammad Mian Resident Of Village Bakulahar
Math, Ps Gopalpur Distt West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajeet Kumar Bhardwaj, Advocate
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned Special Public Prosecutor
for the State.

Petitioner seeks bail, who is in custody since
31.01.2023 in connection with Gopaplur P.S. Case No. 165 of
2022, F.I.R. dated 03.12.2022 for the offences punishable under
Sections 341, 323, 354B of the Indian Penal Code and Section
3(1)(r)(w), 3(2)(v-a) of SC/ST Act and Section 8 and 12 of the
POCSO Act.

According to prosecution case, in brief, is that on
02.12.2022 at about 8:00 P.M. in the night the Hanuman
Aaradhna was performing in the house of neighborhood of the
informant. In the meantime she went to bring food and that time



the daughter of the informant was alone in her house. In the meantime the accused petitioner namely Rojdin Mian arrived there and was taking away the minor victim girl with wrong intention. When the informant saw the same then she raised her voice and with the help of co-villagers she caught hold him. After sometime the rest two accused persons named in the F.I.R. have collectively came at the door of the informant and started abusing by taking her caste name and also assaulted her and in the meantime of assaulting they torn the blouse of the daughter of the informant and taken away the accused petitioner Rojdin Mian.

Learned 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 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. and it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 02.12.2022 but the present F.I.R. was instituted on 03.012.2022 afterthought only to falsely implicated the petitioner in the present case and there is no allegation of any sexual assault against the petitioner. He further submits that the police after investigation submitted the charge sheet against



the petitioner and the petitioner is in judicial custody since 31.01.2023.

The learned counsel for the informant and learned Special Public Prosecutor for the State have 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 Additional District Judge-VI, West Champaran, Bettiah in connection with Gopalpur P.S. Case No. 165 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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