

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34563 of 2022

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

Harish Mian @ Md. Harish Son Of Late Bhola Mian R/O Village- Laxmipur
Lokhan, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Rai Son Of Late Baidhyanath Rai R/O Village- Bakrihari, P.S.- Dhaka,
District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 27-03-2023 Heard learned counsel for the petitioner and 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, 504 and 506/34
of the Indian Penal Code and Sections 4 and 8 of the POCSO
Act.

According to prosecution case, the daughter of the
informant has been kidnapped by the accused persons including
the petitioner and they took her to Nepal. It is further alleged
that the family members of the accused persons abused the



informant and threatened to kill his minor daughter.

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 petitioner has no concern at all with the alleged occurrence. He further submits that the victim was in love with the co-accused, namely, Jahir Alam. He further submits that pursuant to the order of this Hon'ble Court, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has no role in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.02.2022.

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 POCSO Case No. 282 of 2021 arising out of Dhaka P.S. Case No. 570 of 2021 2020, 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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