

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38519 of 2023

Arising Out of PS. Case No.-105 Year-2015 Thana- PALIGANJ District- Patna

MD. RAZA @ MOHAMMAD MAHFOOZ ALAM S/O MD. MONAJIR
HASSAN At present resident of Anchal Cum Prakhand Colony, P.S- Paliganj,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard Mr. N.K Agarwal, learned Senior counsel for
the petitioner and the State.

The petitioner is in custody in connection with Special
Case No. 82 of 2015 arising out of Paliganj P.S. Case No. 105 of
2015 for the offence under Sections 341, 342, 354, 379 and 323
of the Indian Penal Code and Section 8 of the POCSO Act
lodged on 03.06.2015 by the informant, Rajkali Devi.

The prosecution case, in brief, is that that the
informant went out of her house to attend the call of nature near
the hospital. On way, she heard the cries of her daughter who
was walking behind. The petitioner had caught hold of her
daughter with bad intention was trying to take her away. When
she protested, was assaulted and her ear ring too was snatched.
Accordingly, the F.I.R.



It has been contended by the learned counsel for the petitioner that a bare perusal of the F.I.R. would show that earlier the allegation is of trying to kidnap and later on snatching the ear ring which clearly shows the false implication and also the village enmity. The further submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that allegation against him is of trying to take away the informant's girl.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, is in custody since 15.05.2023 (as stated in paragraph-9 of the petition) 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) with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge, VIIth-cum-Exclusive Special Court (POCSO Act), Patna, in connection with Special Case No. 82 of 2015 arising out of Paliganj P.S. Case No. 105 of 2015 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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 application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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