

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41070 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- PARBATTa District- Khagaria

Md. Gulsjar @ Md. Gulsajar S/O Md. Nehal R/O Village- English Rupauli,
P.S-Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.03.2023 in connection with Parbatta P.S. Case No. 82 of
2023, F.I.R. dated 27.02.2023 for the offences punishable under
Section 366A of the Indian Penal Code.

3. According to prosecution case, the daughter of the
informant is said to have been abducted.

4. 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 the
petitioner has not committed any offence. He further submits
that date of occurrence as alleged in the F.I.R. is 21.02.2023 but



the present F.I.R. has been instituted on 27.02.2023 after a delay of about six days without giving any further explanation of the said delay. He further submits that it appears from the F.I.R. that the victim has informed her family members, thereafter, the present F.I.R. has been instituted by the family members of the victim. He further submits that in the F.I.R., the informant has not disclosed the name of the petitioner and the informant has only mentioned two mobile numbers, which does not belong to the petitioner.

5. Learned counsel for the petitioner further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C., in which she has categorically stated that co-accused person, namely, Shamshad has committed rape upon her and there is no accusation of any sexual assault attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during the investigation that the petitioner has kidnapped the daughter of the informant and he has handed over her to the co-accused person but he fairly



submits that the statement was recorded under Section 164 of the Cr.P.C., in which she has not stated anything about the sexual assault against the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Khagaria, in connection Parbatta P.S. Case No. 82 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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