

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40659 of 2023**

Arising Out of PS. Case No.-133 Year-2022 Thana- MAINATAND District- West Champaran

ISTAK @ SK. ISTAK @ SK ESTAYAK S/O SK MUSTAFA R/O VILLAGE-  
WARD NO. 1 PADMAULA, PS. MAINATAND, DIST. WEST  
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      14-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is an accused in connection with Mainatand P.S. Case No. 133 of 2022 registered for the offences under sections 363 and 366 of the Indian Penal Code and section 8 of the POCSO Act lodged on 07.11.2022 by the informant, Sabrun Nesha.

The prosecution case, in brief, is that the informant namely Sabrun Nesha submitted her written report before the Officer in charge of Mainatand Police Station alleging therein that the love affair of daughter of informant was going for last 3 years with Sheikh Irshaad. On 06.11.2022, at about 5 O'clock Sheikh Arshad in the absence of informant took away her



daughter with an intention of marriage. At there, the 5 other named accused persons assaulted her and co- accused Shekh Irshad is now denying to marry her. Accordingly, the FIR.

Learned Counsel for the petitioner submits that victim girl and his younger brother were in love since last three years which reflects from the FIR itself and further the only allegation against this petitioner is that when his younger brother brought the girl to their home, the family members chose not to solemnize the marriage. Further, the girl has been found to be 18 years of age and no sign of sexual assault recently have been found in medical examination. The last submission is that he is in custody since 21.03.2023 (as stated in paragraph 18 of the bail application) and do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering all the aforesaid submissions put forward by the learned Counsel for the petitioner as also that main allegation is against his brother, Shekh Irshad, he is in custody since 21.03.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

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 the learned Additional District and Sessions Judge VIIth Cum Special Judge (POCSO), Bettiah, West Champaran in connection with Mainatand P.S. Case No. 133 of 2022, 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 *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 month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is



allowed.

**(Rajiv Roy, J)**

Neha/-

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