

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42237 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- MUFFASIL District- West Champaran

Md. Reyaz @ Mintu @ Rayjadeen Alam Son of Saifur Rahman @ Siyar @
Saifurahman @ Abdul Rahman Resident of village - Badaiya Tola, P.S. -
Majhauria, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Informant : Mr. Akash Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
13.04.2023, in connection with Bettiah Muffasil P.S. Case No.
16 of 2022, F.I.R. dated 08.01.2022 registered for the offences
punishable under Sections 366(A), 376 of the Indian Penal Code
and Section 4 of the POCSO Act.

3. Allegation against the petitioner is that he has
committed rape upon a minor victim girl by persuading her on a
false pretext of marriage.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
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 as alleged in the F.I.R. He further submits that in fact the petitioner was in love with the victim and after the present occurrence as alleged in the F.I.R. the petitioner and the victim have solemnized marriage on 24.02.2023 in presence of their family members and at present the petitioner is living in the house of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.04.2023.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner but learned counsel for the Informant fairly submits that in fact the victim and the petitioner have performed the marriage and at present the victim is living in the house of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum Additional District Judge-



Vith, West Champaran, Bettiah in connection with Bettiah Muffasil P.S. Case No. 16 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

