

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44920 of 2023

Arising Out of PS. Case No.-418 Year-2019 Thana- BAIRIYA District- West Champaran

SEIKH FIROZ @ SEIKH AFROZ @ SHEIKH FIRAZ S/O LATE SHEKH
IAHAR @ LATE SHEKH IZHAR HUSSAIN @ LATE SHEKH AJHAR
R/O Village- Baithaniya, P.S- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Bairiya P.S. Case No.418 of 2019 dated 03.12.2019
registered for the offence(s) punishable under Section(s) 341,
323, 354B, 366A, 511, 506/34 of the Indian Penal Code and
Section 8 of the POCSO Act.
3. The main submissions advanced by the
learned counsel for the petitioner are that as per the FIR the
main allegation is against co-accused persons namely Sheikh
Arman and Sheikh Irfan and petitioner is simply alleged to be
present with his vehicle at the place of occurrence with an
intention to help the said co-accused persons in taking the



victim but any specific role of him has not been revealed in the FIR and moreover the co-accused Sheikh Arman has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.29117 of 2020 and Sheikh Irfan has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.20909 of 2022 and the petitioner has been languishing in jail since 25th April, 2023 and in this matter there is no question of recovery of victim, in fact the informant being a major girl was having love affair with co-accused Sheikh Arman and on instigation and pressure made by her family members she lodged the present case falsely and the story narrated by her in the FIR in respect of the petitioner is completely improbable as admittedly the alleged occurrence took place in the night and during trial she could not identify the petitioner and moreover against the petitioner investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the privilege of bail to the main co-accused persons having been granted by co-ordinate Bench of this Court mentioned-above and also the nature of allegation appearing



against this petitioner and the completion of investigation against him, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail in connection with Bairiya P.S. Case No.418 of 2019 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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