

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45013 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- SUGAULI District- East Champaran

MD. SAHIL@ SUGGA S/O ASHRAF MIAN @ MD. ASARAF R/O Village-
Sugauli Bazar, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 12.05.2023 in connection with Sugauli P.S. Case No. 157 of 2023, F.I.R. dated 30.04.2023 for the offences punishable under Sections 341, 342, 376, 511, 379/34 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per F.I.R., the allegation against the petitioner and other co-accused persons that they have forcibly taking away of the victim girl, for the purpose of committing gang rape with her.

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



petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the petitioner and other co-accused persons have abducted the grand daughter of the informant with intention of gang rape.

5. Learned counsel for the petitioner further submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has not stated anything about the sexual assault and medical report of the victim girl also not suggest that she has been sexually abused by the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.05.2023.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner and other co-accused persons have abducted the grand daughter of the informant.

7. 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 6th Additional Sessions Judge-cum-



Special Judge, POCSO, Motihari, East Champaran in connection with Sugauli P.S. Case No. 157 of 2023, 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 witnesses, 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 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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