

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47704 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- SRINAGAR District- West Champaran

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YEHSAN ALAM @ EHSAN ALAM @ AHSAN ALAM son of Jahir Ansari
Village- Gadiyani P.S- Srinagar, (Pujaha) Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Narendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 28.04.2023 in connection with Srinagar P.S. Case No.97 of 2022, F.I.R. dated 17.07.2022 for the offences punishable under Sections 420,376,504,506,34 of the Indian Penal Code, Sections 4 and 6 of the POCSO Act.

3. Allegation against the petitioner is that he continuously established illicit relationship with the victim on the pretext of marriage and hoaxed her in courtship and when she asked her for marriage then he refused to do the same.

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 from a



bare perusal of the FIR it appears that on the pretext of marriage the petitioner has committed sexual assault to the informant. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and it has come during investigation that the informant has refused for her medical examination and it appears from the FIR itself when the petitioner has refused marriage with her, the present FIR has been instituted and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in judicial custody since 28.04.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has committed rape upon her but fairly submits on the basis of para-3 of the case diary that the informant has refused for her medical examination.

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



Sessions Judge-6th-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Srinagar P.S. Case No.97 of 2022, 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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