

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49169 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- MAHILA P.S. District- Araria

MD. SHOYEB @ MD. SHOYAB AKHTAR Son of Tamijuddin @ Tamij
Resident of Village - Sikatia, Ward No.- 4, P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 01-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Learned counsel for the petitioner seeks
permission to file hard copy of the supplementary affidavit of
which soft copy has been filed.
3. Permission is granted.
4. Let the Supplementary Affidavit be kept on
record.
5. Petitioner seeks regular bail in connection
with Mahila P.S. Case No.15 of 2022 (corresponding to Special
POCSO Case No.09 of 2022) dated 07.03.2022 registered for
the offence/s punishable under Section/s 341, 342, 376(3) and
506 of the Indian Penal Code and Section 4 of the POCSO Act.
6. This is second attempt of the petitioner for



the relief of regular bail after his earlier attempt for the same relief was rejected by this Court vide order dated 05.04.2023 passed in Cr. Misc. No.39086 of 2022 preferred by this petitioner.

7. It is submitted by the learned counsel for the petitioner that petitioner has come again for the relief of regular bail mainly on the ground of liberty granted to him in his earlier rejection order and he was granted the liberty that he may renew his bail prayer after examination of the victim in his trial and the victim has been examined as PW-7 and most of the material witnesses have been examined and petitioner has been languishing in jail since 16.03.2022. It is further submitted that the FIR was lodged after seven days of commission of the alleged occurrence while the victim informed her mother on the same day of the occurrence about the commission of the alleged offence, in actual the father of the petitioner and father of the informant are full brothers and residing on their *Sikmi* land and in between them there is a land dispute, and a *panchayati* was held in between them by *Sarpanch* in *Gram Kutchery*, in which the informant was held guilty and a fine of Rs.50/- was imposed upon him and thereafter with an intention to take revenge, the allegation of the FIR was falsely prepared.



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

9. Considering the above submissions and mainly taking into account the petitioner's custody period and also the fact that as per above submission the material witnesses including the victim have been examined in the trial of the petitioner, so there is no chance of adverse effect to the prosecution's side, if the petitioner is enlarged on bail, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Mahila P.S. Case No.15 of 2022 (corresponding to Special POCSO Case No.09 of 2022) 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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