

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51662 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- BIKRAMGANJ District- Rohtas

CHAND KHAN @ ZUBER KHAN @ MD. ZUBIR KHAN Son of Narul
Khan Resident of Thana Chauk Vikramganj Badi Maszid, Ward No. 23, P.S-
Vikramganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravesh Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with POCSO
Case No. 43 of 2021 arising out of Vikramganj P.S. Case No.
229/2021 registered for the offences punishable under Sections
4 and 6 of POCSO Act, 75 JJ Act, Section 3 of Immoral Traffic
(Prevention Act) 1956 and Section 302, 370, 376(D), 120(B)
and 34 of IPC.

As per prosecution case, the informant received a
phone call from the mobile phone of her minor daughter in the
morning about the suicide of her daughter. She rushed to



Bikramganj (Nartaki Mohalla) and found that the dead body was caused to disappear by the accused. She further alleged that the petitioner and others had conspired in the murder of her minor daughter. She has also alleged that the accused persons including the petitioner were forcibly trying to involve the victim in the illegal work of sex trade. She has also alleged that her minor daughter used to communicate these things on mobile phone to her and they had also restrained her from meeting, with her mother and had taken the victim to Mumbai Dance Bar for illicit trade.

Learned counsel for the petitioner submits that petitioner is in custody since 14.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that victim committed suicide due to betrayal in love affairs. He further submits that there is no eye witness to the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that there is no specific overt-act attributed against the present petitioner. Allegation against the present petitioner is general and omnibus in nature. He further submits that witnesses examined during



trial have stated nothing against the present petitioner. He further submits that co-accused Rekha Devi has already been granted bail vide Cr. Misc. No. 62878 of 2021 by this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional and Sessions Judge VIIth cum Special Judge POCSO Act, Rohtas at Sasaram, in connection with POCSO Case No. 43 of 2021 arising out of Vikramganj P.S. Case No. 229 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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