

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57725 of 2023

Arising Out of PS. Case No.-595 Year-2022 Thana- DANAPUR District- Patna

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IMTEYAZ @ BAUWA @ MD. IMTEYAZ son of Md. Smile Quraishi @
Mohammad Ismail Quraishi R/o- Check Toli Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Special Case No. 138 of 2022 arising out of Danapur P.S. Case No. 595 of 2022 for the offence punishable under Sections 290, 354(A), 387, 506/34 of the Indian Penal Code and section 8 of the POCSO Act lodged on 27.6.2022 by the informant, Harendra Vishwakarma .

As per the prosecution story, the allegation is that the informant alleged that when his grand-daughter was standing outside the house, the accused boys came in drunken condition and started misbehaving with her. When she opposed, they threatened to kill her. However, as the locals started gathering, the accused persons tried to escape but some of them were apprehended, this led to lodging of the FIR. Though, the



petitioner managed to escape, as his name appears in the FIR came to be arrested on 18.6.2023 (para-16 of the petition).

It is the case of the petitioner that for the said act, he has already suffered by being in custody since 18.6.2023, do not have criminal antecedent, one of the apprehended person, Roushan Kumar has been granted bail by a coordinate bench vide Cr. Misc. No. 58654 of 2022.

Learned APP opposes the prayer stating for bail.

Taking into account the submission put forward by the parties, as also the fact that he is a young person, is in custody since 18.6.2023, do not have criminal antecedent and similar situation co-accused Roushan Kumar who was apprehended on the spot has since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.VII, cum Exclusive Special Court (POCSO Act), Patna, in connection with Special Case No. 138 of 2022 arising out of Danapur P.S. Case No. 595 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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