

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57070 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

MD. SONU ALAM @ MD. SHAHNAWAZ, male, aged about 24 years, S/O
MD. MAIHRUL @ SK. MAIHRUL Resident of village- Mushapur, P.S.-
Korhha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Jagdishpur (Bypass) PS Case No. 95 of 2022 corresponding to POCSO Case No. 85 of 2022, registered for the offence punishable under Section 366(A) of the Indian Penal Code (*for brevity IPC*). Later on, Charge sheet has been submitted under Section 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

There is allegation that the informant's daughter has been enticed by the petitioner. All the family members have been made accused.



Learned counsel for the petitioner submits that the petitioner has no antecedents. The statement of the victim girl recorded 164 of the Code of Criminal Procedure (*for brevity* 'Cr.P.C.) (Annexure-2 series) as well as her medical examination belies the prosecution case. She has stated about going to visit Hyderabad on her own volition with the petitioner and claimed to be 19 years old. The doctor has also not found any injury or signs of any kind of sexual intercourse or assault. The petitioner, in the circumstances, is in custody since 25-03-2022.

Learned APP for the State has opposed the prayer for bail. It is alleged that the informant has claimed the victim to be a minor girl.

Considering the rival submissions, statement of the victim recorded under Section 164 Cr. P. C., medical report as well as period of custody and clean antecedents of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Addl. District and Sessions Judge-cum-Special Judge,
POCSO, Bhagalpur, in connection with Jagdishpur (Bypass) PS
Case No. 95 of 2022 corresponding to POCSO Case No. 85 of
2022, subject to the following conditions:- (i) That one of the
bailors will be a close relative of the petitioner who will give an
affidavit giving genealogy as to how he is related with the
petitioner. The bailor will also undertake to inform the Court if
there is any change in the address of the petitioner. (ii) That the
petitioner will be well represented on each date and if he fails to
do so on two consecutive dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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