

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58611 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- SIKARPUR District- West Champaran

Md. Hasnain S/O Sheikh Idrish R/O Village- Baitapur, P.S- Shikarpur, Distt.-
West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.04.2023 in connection with Shikarpur P.S. Case No. 332 of 2023, F.I.R. dated 29.04.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the I.P.C. and Section 3(1)(r)(s) SC/ST Act and Section 8/12 POCSO Act

3. According to prosecution case, in the morning of 29.04.2023 the informant was going to Gyan Sindhu classes Baitapur for the purpose of teaching and when she reached at Idgah and at that time the person namely Md. Hasnain reached near her and he wanted to talk with her and when she forbade him to not talk with her then he attempted to cut her neck by means of animal cutting knife, then she desists from her hand and due to this her hand got cut. Accordingly, the FIR.



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 the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The petitioner has inflicted knife blow upon the informant in which she has sustained injury on her right forearm and the injury report of the informant suggests that all the injuries are simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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, VIIth cum Special Judge (POCSO), West Champaran, Bettiah in connection with Shikarpur P.S. Case No.332 of 2023, 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)

Prakash Narayan

U		T	
---	--	---	--

