

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58910 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- KESARIA District- East Champaran

Sheikh Saheb Miya @ Sheikh Saheb Hussain Son of Anwar Hussain @
Anwar Miya R/V- Trilokwa, P.S- Kesaria, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354B, 504, 506, 307 of the Indian Penal Code and Section 4/8 of POCSO Act.

According to prosecution case, the petitioner illegally entered in the house of the victim while she was sleeping and tried to commit rape upon her. It is further alleged that the petitioner also assaulted the informant and her minor daughter.

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 there is case and counter case between the parties and as per allegation as alleged in the F.I.R. is that the petitioner has tried to commit



rape upon the informant. He further submits that the police after investigation submitted the charge sheet dated 30.09.2022 against the petitioner only under Sections 323, 354 and 504 of the Indian Penal Code. The petitioner is in custody since 14.08.2022

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

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 Court below where the case is pending in connection with Kesaria P.S. Case No. 329 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

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