

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63545 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHWAPUR District- Madhubani

Md. Waris Son of Md. Roushan Resident of Village- Rampur Birit, P.S.-  
Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                   |
|--------------------------|---|---------------------------------------------------|
| For the Petitioner/s     | : | Mr. Gagan Deo Yadav<br>Mr. Ravi Prakash, Advocate |
| For the Opposite Party/s | : | Mr. Ashok Kumar Singh, APP                        |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      16-03-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 448, 341, 323, 354, 363, 365, 366(A), 376, 504, 506/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act, 2012.

Allegation against the petitioner is that he forcibly taken away the minor victim girl to Nepal and he has cooperated and assisted to co-accused Md. Amir in the sexual assault on the minor victim.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case along with other co-accused



person. He further submits that no such occurrence took place as alleged in the F.I.R. He further submits that as per F.I.R. the date of occurrence took place on 08.04.2022 but the present F.I.R. was instituted on 05.05.2022 after lapse of more than one month without giving explanation of delay. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused namely Md. Amir regarding establish physical relationship with the victim and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.05.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has named the petitioner but fairly submits that the victim has stated that co-accused Md. Amir has committed rape upon her.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Madhwapur P.S. Case No. 55 of 2022, with 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 witness, 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 antecedents, 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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