

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66573 of 2022

Arising Out of PS. Case No.-295 Year-2020 Thana- RAXAUL District- East Champaran

MD. WAHID @ WAHID Son of Late Taiyab Ansari R/V- Jagir near Jama Masjid, P.S- Nagar, Begusarai, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 31.07.2022, in connection with Raxaul P.S. Case No.295 of 2020, F.I.R. dated 08.08.2020, for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioner is alleged to have taken away the minor daughter of the informant for the purpose of marriage.

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 date of occurrence as alleged in the F.I.R. is 06.08.2020 but the present F.I.R. has been instituted on 08.08.2020, after delay of



two days, without giving any explanation of delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has categorically stated that she left her house on her own sweet will and went to the house of the petitioner and the petitioner has not committed any wrong with her. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.07.2022.

The learned Additional Public Prosecutor for the State on the other hand on the basis of the material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the medical report of the victim suggests that the victim was minor at the time of occurrence.

Considering the aforesaid facts and circumstances and statement of the victim recorded under Section 164 of the Cr.P.C., let the petitioner, above named, be released on bail, after framing of charge, if not framed, 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 Sessions Judge-VII-cum-Special Judge POCSO Act, East Champaran, Motihari, in connection with Raxaul P.S. Case No. 295 of 2020, 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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