

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68388 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- KHAJEKALA District- Patna

MOHAMMAD NAIYAR son of Late Mohammad Hamid Alam Mohalla-
Moghalpura Chhoti Bazar Ps- Khajekalan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 56 of 2023 arising out of Khajekalan P.S. Case
No. 165 of 2022 registered on 01.06.2022 lodged under Sections
341, 323, 354, 354A, 354B, 504 and 506/34 of the I.P.C. read
with Section 3, 7, 8, 12 of the POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged
against four named accused persons including the petitioner. In
the F.I.R., the allegation against the present petitioner is that he
has outraged the modesty of sister-in-law (younger sister of his
wife) and on her instance, the present case has been filed in
which the entire family members have been made accused.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that this case
has been filed by the informant as the relation of her sister is not



cordial and with a view to teach lesson to the petitioner and his family members, the present case has been filed. The only negative part of this case is that there are 12 criminal case pending against the petitioner, but in all cases he is on bail. Counsel further submits that petitioner is in custody since 28.08.2023. He further submits that upon realizing this mistake that the case was filed in anger, the informant has filed a compromise petition before the Special Court which is Annexure-3.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that the allegation is there in the F.I.R., but the statement in the form of compromise petition is also been filed before the POCSO Court.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Exclusive Special (POCSO Act), Patna in connection with Special Case No. 56 of 2023 arising out of Khajekalan P.S. Case No. 165 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Sunnykr/-

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

