

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72895 of 2022**

Arising Out of PS. Case No.-25 Year-2022 Thana- GURARU District- Gaya

MD. SHAKLAIN @ MD. SHAKLAIN ALAM Son of Md. Shabir Resident
of Village - Budhpur, P.S.- Guraru, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

5 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Guraru P.S.
Case No. 25 of 2022 dated 19.02.2022 registered for the offence
under Sections 341, 354(B), 376 and 511 of the Indian Penal
Code and Sections 8 and 12 of the Protection of Children from
Special Offence Act.

The petitioner is alleged to have tried to commit rape
upon her while she was coming after attending tuition classes.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. that the petitioner and the victim both are
known to each other prior to institution of the F.I.R. He further



submits that it appears from the F.I.R. that the petitioner has tried to molest the victim and the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not stated anything about the sexual abuse committed by the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.10.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner and he has sexually abused the victim.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-VII -cum- Special Judge, POCSO Court, Gaya in connection with Guraru P.S. Case No. 25 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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