

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74851 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BALRAMPUR District- Katihar

Md. Ashif @ Asif, Son Of Abdul Jalil Resident Of Village Sabanpur, Police
Station- Balia Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Adv.
For the Opposite Party/s	:	Mr. Shaheen Begum, APP
For the Informant	:	Mr. Suresh Prasad Sah @ Baranwal

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Balrampur P.S. Case No. 49 of 2023, lodged on 23.03.2023
under Sections 363/366(A), 376 of the Indian Penal Code and
under section 4/6 of the POCSO Act.

3. As per the FIR, the allegation of kidnapping and
rape if there against the present petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the contents of the FIR itself, there are
two things which are to be taken into consideration. The first is
that the date of occurrence is of 06.02.2023 and second is that



the case has been lodged on 23.03.2023 i.e. near about more than one and a half months. Counsel further submits that from the minute reading of the FIR, it transpires that the informant has believed that her daughter has left the house with her own wish.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 21.07.2023. Counsel further submits that the recovery of the victim girl has been made and charge has already been framed in this case.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that in the statement under section 164 Cr.P.C., the allegation of enticing the petitioner for the purpose of marriage and allegation of rape is also there.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail 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 Sessions Judge-VII-cum-Special Judge, POCSO Court, Katihar in connection with Balrampur P.S. Case No. 49 of 2023, subject to the



conditions as laid down U/s 437(3) Cr.P.C. as well as 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.

(Dr. Anshuman, J.)

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