

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4025 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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ANWAR AALAM SON OF KURAISH MIYAN RESIDENT OF VILLAGE -
SHRIPUR, TOLA - DHARAMPUR, P.S. - SUGAULI, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Ms. Bharti Rai, Advocates
For the Opposite Party/s :		Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Govindganj P.S. Case No. 222 of 2023, F.I.R. dated 17.04.2023 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, it is alleged by the informant that her granddaughter aged about 17 years namely Simran Praveen @ Sama Kumari disappeared on 16.04.2023 from the residential house. On search it came to know that she is abducted by the accused person Deepak Kumar Patel for the purpose of marriage and one Anwar Alam who assisted him for



the said purpose.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. 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. and in fact the victim was in love with co-accused person namely Deepak Kumar Patel and the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the co-accused Deepak Kumar Patel has forcefully committed rape but she has not stated anything about the petitioner that whether the petitioner has committed anything wrong with her.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Govindganj P.S. Case No. 222 of 2023, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and with other 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 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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