

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14609 of 2024

Arising Out of PS. Case No.-726 Year-2022 Thana- BELAGANJ District- Gaya

Md. Shadab Khan @ Chhotu Khan S/O Md. Jafar Khan, R/O Village- Near Masjid, Samaspur, P.S.- Belganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Anil Sinha, the learned counsel for the petitioner and Mr. Anand Kishore Choudhary, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Belaganj PS Case No. 726 of 2022, FIR dated 06.12.2022, registered for the offences punishable under Sections 341, 342, 354(A), 323, 379, 504 and 506 read with Section 34 of the Indian Penal Code and under Section 08 of the POCSO Act.

3. According to prosecution case, all the FIR named accused persons along with an unknown person surrounded the informant and her daughter and tried to outrage their modesty.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or molestation attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons, including the petitioner. He lastly submits that a similarly situated co-accused person namely, Md. Arif Khan @ Arif Khan has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.12.2023 passed in Cr. Misc. No. 68341 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and there is specific allegation against the petitioner that he along with other co-accused persons has committed the crime in question.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is no specific allegation of any assault or molestation attributed against him and a similarly situated co-accuse person has been granted anticipatory bail by a co-ordinate Bench of this Court,



let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya, where the case is pending in connection with **Belaganj PS Case No. 726 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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 learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial 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 learned trial Court 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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