

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17301 of 2024

Arising Out of PS. Case No.-304 Year-2023 Thana- DHORAIYA District- Banka

Md. Iftexhar @ Md. Iftakharulhal @ Md. Iftakhar S/o Ikram @ Md. Ikram
R/o Vill - Karhariya, P.S. - Dhoriya, Dist. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Dhoriya P.S. Case No.304 of 2023, lodged on 24.10.2023,
under Sections 341/323/366A/504/34 of the Indian Penal Code
and under Sections 8/12 of the Protection of Children from
Sexual Offences Act.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
against whom there is an allegation to kidnap the daughter of
the informant with a view to marry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that from the content of the FIR it become very much



clear that both the alleged victim girl and the petitioner are residing together after marriage. It has been categorically stated by the informant herself. Counsel submits that upon recovery by the police the medical examination of the alleged victim has taken place and the medical report has ascertained the age of the victim 17 to 19 years. The petitioner is in custody since 04.01.2021 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. 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 6th cum- Special Judge POCSO, Banka, in connection with Dhoraiya P.S. Case No.304 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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