

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26927 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- JAMUI District- Jamui

Md. Faiyaz Son of Md. Ezaj Resident of Village- Khardih, Police Station-
Sikandra, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2024 Heard Mr. Shiv Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Jamui P.S. Case No. 701 of 2023 for the offence
punishable under Sections 363, 366A, 376 of the Indian Penal
Code and 04 of the POCSO Act lodged on 26.11.2023 by the
informant, Muni Devi.

3. As per the FIR, the informant alleged that the
minor victim girl was taken away by this petitioner when she
had gone to market to purchase household articles. This
followed the FIR.

4. Learned counsel for the petitioner submits that a
bare perusal of the FIR would show that the occurrence is of



22.11.2023 while the FIR was lodged on 26.11.2023 without any explanation. Further, the victim girl, upon return, made statement under section 164 of the Cr.P.C. in which it has been narrated that she went to Vardhman on her own, or the petitioner and later married him.

5. Learned APP opposes the prayer submitting that the girl is minor.

6. Taking into account aforesaid submission as also the delay in lodging the FIR, the statement of the victim girl under section 164 of the Cr.P.C. coupled with the fact that now they have married, the petitioner do not have criminal antecedent and is in custody since 30.11.2023 (para-24 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1st, Jamui or successor, in connection with Jamui P.S. Case No. 701 of 2023 subject to 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 bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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