

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29268 of 2024

Arising Out of PS. Case No.-688 Year-2023 Thana- BAGHA District- West Champaran

Afroj Dewan SON OF JAHNAGIR DEWAN Village -Bholapur Kharhar PS-
bairoganj District -West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim (K) Daughter of Shambhu Chaudhary R/o vill.- Baithwaliya, Ward
No.- 2, P.S.- Bhairoganj, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-09-2024 Heard Mr. Bimlesh Kumar Pandey, the learned
counsel for the petitioner and Mr. Parmanand Prasad, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 30.09.2023, in connection with Bagaha (Bhairoganj) P.S.
Case No. 688 of 2023, FIR dated 30.09.2023, registered for the
offences punishable under Sections 363, 366A, 370 and 376 of
the Indian Penal Code as well as Sections 4 and 6 of the POCSO
Act whereas charge sheet has been submitted for the offences
under Sections 363, 366A of the Indian Penal Code and Section
12 of the POCSO Act.

3. According to the prosecution case, the



informant, Amit Kumar, who is working as District-In-Charge in Prayas Institution, Bettiah stated that on 20.09.2023 at 7:00 am, a girl was seen with a man going towards Nepal. On suspicion, when questioned, the person did not give any satisfactory answer then information was given to Anti-Human Trafficking Unit Sector Headquarters, Bettiah Office, S.S.B. 47th PN Pantoka Raxaul and Prayas Juvenile and Center West Champaran, who interrogated the said person and the girl, it was found that the said person by trapping her in the trap of love and by luring her, took her to the temple without informing the girl's family, applied vermilion and married her. The girl is a minor and of Hindu religion. After getting married, the said person also made physical relations with her. Accordingly, the F.I.R.

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. The statement of the victim under Section 164 of the Cr.P.C. in which she has not stated anything about the sexual assault against the petitioner apart from that it appears from the case diary, she has refused for the medical examination and the



petitioner is in custody since 30.09.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 7th cum Special Judge, POCSO, Bettiah, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 688 of 2023, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial 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 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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