

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38560 of 2024

Arising Out of PS. Case No.-264 Year-2021 Thana- BENIPATTI District- Madhubani

Md. Ekramul Haque @ Sonu Son Of Md. Tamanna R/O Vil.- Nazra, P.S.-
Benipatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and Md. Fahimuddin, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 15.03.2024, in connection with Benipatti P.S. Case No. 264 of 2021, FIR dated 10.12.2021 registered for the offence under Sections 376, 143, 341, 323, 325, 380, 448, 504 and 506 of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offences (POCSO) Act.

3. Allegation against the petitioner is that he committed rape with the minor girl aged about 15 years of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the trial has been begun and victim has been examined in this case in which she has not supported the case of the prosecution and stated that the petitioner has not committed anything wrong with her and apart from that the medical examination of the victim does not support the allegation as alleged in the FIR. The petitioner is rotting in judicial custody since 15.03.2024.

5. Learned APP for the State, on the other hand, opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Benipatti P.S. Case No. 264 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(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.

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)

ajay/-

U		T	
---	--	---	--

