

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45121 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- MAHILA P.S. District- Siwan

Ehshan Ali @ Ehsan Ali Son Of Nasruddin Ansari @ Nazaruddin Mian
Village- Baraki Lakari, P.S.- Basantpur (LAKARI Nabiganj O.P), Distt.-
Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Khatoon D/O- Lal Mohammad Villae- Bari Lakri, P.S.- Basantpur,
(LAKRI Nabiganj O.P.), Distt.- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	Mrs. Priyanka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Javed Aslam, learned counsel for the

petitioner and Mrs. Priyanka Singh, learned counsel for the

informant as well as Mr. Pramod Kumar Pandey, learned A.P.P.

for the State.

2. The petitioner seeks bail, who is in custody since
23.04.2024, in connection with Siwan Mahila P.S. Case No. 19
of 2023 registered for the offence under Sections 341, 323, 376,
511 and 34 of the Indian Penal Code and Sections 8/17 of the
POCSO Act.

3. Prosecution case in brief, the petitioner has entered
into the house of the informant and tried to commit sexual
offence with her.



4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner under Sections 452, 341, 323, 324, 354(B)/34 of the Indian Penal Code and Section 8/17 of the POCSO Act. He further submits that although the victim has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. but the medical report of the victim does not support the allegation as alleged in the FIR as well as the statement of the victim recorded under Section 164 Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 23.04.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have opposed the prayer for bail of the petitioner and submits that the injury received upon the grand mother of the victim is grievous in nature and there is direct and specific allegation against the



petitioner that assaulted to the grand-mother of the informant.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-Cum-Special Judge, POCSO, Siwan in connection with Siwan Mahila P.S. Case No. 19 of 2023 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)

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