

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53258 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- SULTANGANJ District- Patna

Saquib Aslam @ Sakib Aslam @ Md. Saqib Son of Pervez Aslam @ Parvez Aslam @ Md. Pervez R/O 98, Mewa Saw Lane, Shaharzan Colony, Near Katra School, P.s.- Sultanganj, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Khurshid Alam Son of Shamshul Hoda R/O Katra Mandai, Sultanganj, P.s.- Sultanganj, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shadab Akhter, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-11-2024 Heard Mr. Shadab Akhter, learned counsel for the petitioner and Mr. Majid Mahboob Khan representing the informant beside the learned APP.

2. The petitioner is in custody in connection with Sultanganj P.S. Case No. 350 of 2023 for the offence punishable under sections 448, 341, 323, 354B, 354C, 354D, 504, 506 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act lodged on 19.07.2023 by the informant, Md. Khurshid Alam.

3. As per the prosecution story, the informant alleged that one Guddu and this petitioner, who are own brothers, entered the house of the informant through the roof, tried to



molest his minor daughter, took her pictures on mobile which completely disturbed her as also the family members. When the locals arrived, they were threatened of dire consequences. This led to the FIR.

4. Learned counsel for the petitioner submits that he is a young person, the allegation mainly is of one sided relationship on his younger brother, Guddu who was declared juvenile and is out of bail and he has been implicated having no role to play in the matter.

5. Learned counsel appearing on behalf of the informant on the other hand has taken this Court to the documents attached with the FIR to show that how the girl was being harassed by the younger brother, Guddu Aslam and the text messages are also there to show that despite the girl restricted him, he earlier threatened of entering the house, if she fails to pick-up the call and later, actually entered through the roof.

6. After hearing the parties and perusing the records, the main allegation is against the younger brother, Guddu Aslam of disturbing the minor girl as also threatening her that if she fails to pick-up the call, has to suffer consequences, he unfortunately has been declared juvenile. Allegation against this



petitioner is that he alongwith his younger brother entered the house for which he has already remained in custody since 21.07.2023 (paragraph-6 of the petition), has no criminal antecedent, is only twenty two years of age and it has been undertaken by the learned counsel for the petitioner that if granted relief, he shall be diligently appearing in trial without fail, in that background as also the fact that the learned counsel for the informant has submitted that most of the witnesses now stands examined, 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) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-Cum-Exclusive Special Court (POCSO Act), Patna, in connection with Sultanganj P.S. Case No. 350 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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