

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53716 of 2023

Arising Out of PS. Case No.-652 Year-2020 Thana- MUFFASIL District- West Champaran

Saheb Hussain, aged about 22 years, Male, Son Of Sheikh Anwar, Resident
Of Village - Beldari, P.S. - Bettiah (Muffasil), District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Satya Nand
Shukla, learned APP for the State.

2. Petitioner, who is in custody since 26.02.2021,
seeks regular bail in connection with Bettiah (Muffasil) P.S.
Case No. 652 of 2020 registered for offences punishable under
Sections 366A, 34 of the Indian Penal Code and Section 8 of the
POCSO Act.

3. As per the allegation made in the FIR, the accused
persons named in the FIR including the petitioner used to tease
the daughter of the informant and on fateful day finding her
alone, she was kidnapped and physically, as well as, sexually
assaulted by the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner has moved before this Court second time to renew the prayer for grant of regular bail in the changed circumstances considering the fact that trial has not been concluded. Emphasising on the witness of the victim X recorded on 28.06.2023, which has been brought on record by way of 'Annexure-3' to the bail application that in paragraph no. 14, she has not supported the prosecution story and allegation made in the FIR. She has also denied her statement recorded under Section 164 of the Code of Criminal Procedure and informed that she, on her own, had left the home and she is already married with some other person. The age of the victim has been recorded to be 20 years by the learned trial Court.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the fact that statement of the victim X has not supported the prosecution story and period of incarceration undergone by the petitioner is nearly three years, the Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum ADJ VI, Bettiah, West Champaran, in connection



with Bettiah (Muffasil) P.S. Case No. 652 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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