

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3366 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- BABUBARHI District- Madhubani

Md. Ayub @ Md. Eyub Son of Md. Muslim Kujara, Resident of Village-
Mishrauliya, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Subhash Kumar Jha, the learned counsel

for the petitioner and Mr. Shailendra Kumar Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Babubarhi PS Case No. 232 of 2023, FIR dated

21.07.2023, registered for the offences punishable under

Sections 341, 354(A)(iv), 354(D), 504 and 506 of the Indian

Penal Code and under Section 8/12 of POCSO Act.

3. According to prosecution case, the petitioner

misbehaved with the informant.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case due to admitted land dispute

between the parties. He further submits that the allegations are

false and fabricated and the petitioner has not committed any offence as mentioned in the FIR and the present FIR is instituted only to harass the petitioner and his family members due to land dispute.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani, where the case is pending in connection with **Babubarhi PS Case No. 232 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 absence on two consecutive dates without

sufficient reason, his bail bond shall be cancelled 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.

(iii). 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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