

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35154 of 2025

Arising Out of PS. Case No.-398 Year-2021 Thana- SIKARPUR District- West Champaran

Azim Ansari S/o- Sri Ajhar Ansari @ Ajhar Miyan Village- Mahuawa Bhusa
Ps- Gaunaha Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sayara Khatoon W/o- Late Majre Alam Village- Nautanwa W.No-1, Ps- Shikarpur Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 09.04.2025 in connection with Shikarpur P.S. Case No. 398 of 2021, F.I.R. dated 21.04.2024 registered for the offence punishable under Sections 366-A/34 of the Indian Penal Code, corresponding to Section 96/3(5) of the B.N.S. and section 8/12 of the POCSO Act.

3. As per the prosecution case, the minor daughter of the informant is alleged to have been kidnapped by the petitioner and other accused persons.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the statement of victim was recorded u/s 164 of Cr.P.C./Section 183 B.N.S., 2023 in which she has made specific allegation against co-accused namely, Alfaz Dewan that he has committed wrong with her and co-accused person, namely, Alfaz Dewan forcibly established physical relation with her and she has also stated that the petitioner along with other accused person was involved in kidnapping the victim. He further submits that similarly situated co-accused persons, namely, Razzaque Dewan and Nurain Dewan have been granted regular bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.02.2022 passed in Cr. Miscellaneous No. 58118 of 2021 and co-accused person, namely, SK Chhotak @ Jamil Hassan Chhotak @ Sheikh Jimal Hassan has also been granted regular bail by this Court vide order dated 03.02.2022 passed in Cr. Miscellaneous No. 58118 of 2021.

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



submits that the petitioner's participation was also found in kidnapping the victim girl.

6. Considering the aforesaid fact and petitioner has clean antecedent, let the petitioner, above named, 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 Sessions Judge-VII-cum- the Special Judge, POCSO Act, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 398 of 2021, with the following conditions:-

(1) 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 cancelled by the Court below.

(2) 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.

(3) 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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