

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38310 of 2025

Arising Out of PS. Case No.-310 Year-2024 Thana- BALIYA District- Begusarai

Md. Muslim @ Sharif @ Md. Sarif S/o Md. Shaukat R/o Village- Chhoti
Balua Mirshikar Tola, PS- Balua, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Chaudhary S/o Late Anandi Chaudhary R/o vill - Chhoti Balua
(Chhoti Ballia), Mirshikar Tola (Misikar Tola), Nagar Parishad, P.s. - Balua
(Ballia), Distt.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Parwej Khan, Advocate
For the Opposite Party/s :	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2025 Heard Mr. Parwej Khan, learned counsel for the

petitioner and Mr. Binay Krishna, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Balua (Ballia) P.S. Case No. 310 of 2024, F.I.R.
dated 17.09.2024 for the offences punishable under Sections
-137(2), 96, 3(5) of the Bhartiya Nyay Sanhita, 2023 and
Sections 3(1)(r)(s)(w), 3(2)(v), 3(v) of the SC/ST (Prevention of
Atrocities) Act and subsequently added Section 64 of Bhartiya
Nyay Sanhita, 2023 and Section 4/8 of the POCSO Act on
10.01.2025.

3. As per the First Information Report, the informant



alleged that on 14.09.2024, he along with his family members slept at night. Next day, he saw that his minor daughter was missing. On search, he got information that the petitioner along with other accused persons have kidnapped his daughter, on which, he went to the accused persons house to inquire about the matter, then the accused persons abused him by caste name and also threatened to assault him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is the cousin of co-accused person, namely, Md. Chhotu and similarly situated co-accused person, namely, Md. Murtuja @ Md. Pachchu, who is father of Md. Chhotu and other family members have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 08.05.2025 in Cr. Misc. No. 87829 of 2024.

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

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent and similarly situated co-accused person have been granted the privilege of anticipatory bail by



the co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned District Additional Sessions Judge-VIth-cum-Special Judge of POCSO Act, Begusarai in connection with Balia (Ballia) P.S. Case No. 310 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 bond 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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