

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56058 of 2025

Arising Out of PS. Case No.-404 Year-2010 Thana- SAKRA District- Muzaffarpur

Md. Zawed @ Zawed Alam S/o Firoz Mistry @ Md. Firoz Alam R/o Vill -
Sikta, Block Colony, P.S - Sikta, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Kumar S/o Sonelal Paswan R/o Vill- Siaraja Bad Post- Gannipur
Bela, P.S.- Sakra, Distt- West Champaran, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Shukla, Advocate Mr. Shivam Kumar Deep, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2025 Heard Mr. Rahul Kumar Shukla, learned counsel for the
petitioner and Mr. Rajendra Prasad Nat, learned APP for the State.

2. Petitioner seeks bail who is in custody since 22.05.2023
in connection with S. Tr. No. 961 of 2023 arising out of Sakra P.S.
Case No. 404 of 2010, F.I.R. dated 20.08.2010 for the offences
punishable under Section 366(A)/34 of the IPC.

3. According to prosecution case, informant's minor
daughter was kidnapped on 15.08.2010 by the accused persons
including the petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that earlier the
petitioner has moved before this Court for grant of regular bail in
Cr. Misc. No. 57255 of 2023 but the same got rejected vide order
dated 27.09.2023. He again moved before this Court in Cr. Misc.



No. 55716 of 2024 and Cr. Misc. No. 22610 of 2025 but both the applications was dismissed as withdrawn vide order dated 02.08.2024 and 11.04.2025 respectively. He further submits that the petitioner has not committed any offence as alleged in the FIR. It is further submitted that although, victim has been recovered and her statement was recorded under Section 164 of the Cr.P.C./183 of the BNSS in which she has supported the case of prosecution. He further submits that the petitioner is in custody since 22.05.2023 and the trial has not been concluded as yet.

5. Vide order dated 11.08.2025, a report was called for with regard to the present stage of trial. Report of the learned Trial Court dated 19.08.2025 reveals that out of 13 charge-sheet witnesses, six witnesses have been examined and the case is pending for examination of rest of the prosecution witnesses.

6. Learned counsel for the petitioner submits that the petitioner is in custody since 22.05.2023 and in view of the report of the learned Trial Court, he further submits that the trial is not likely to be concluded in the near future.

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

8. Considering the aforesaid facts and circumstances, period of custody as well as the report of the learned Trial Court, 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 the learned Exclusive Special Judge, POCSO-III, Muzaffarpur in connection with S. Tr. No. 961 of 2023 arising out of Sakra P.S. Case No. 404 of 2010, subject to 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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