

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86945 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- BARGAINIA District- Sitamarhi

Sageer Shah S/O Kasim Ahmad Resident of ward no. 04, Village-Jhakar Khan Tola, Post-Marpa Tahir, Chawka, P.S. Bairgania, Districts- Sitamarhi, Bihar-843313

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Talmun Nisha Wife of Md. Israjul Resident of Village- Jhakharkhan Tola, Chakwa, P.S.- Bairgania, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Noushad Khan, Adv.
For the informant	:	Mr. Santosh Kumar, Adv.
		Md. Mobassar Ali, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bairgainia P.S. Case No. 115 of 2024 dated 27.04.2024 registered for the offences punishable u/ss 346, 376D(ii), 354B read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant. It is further alleged that the co-accused, Parvez Khan and unknown persons have committed



rape on the victim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused in this case merely on suspicion. There is no specific allegation against the petitioner. The specific allegation of committing rape is against the co-accused, Parvez Khan and one unknown person. The petitioner has no concern with the alleged offence. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 03.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Bairgainia P.S. Case No. 115 of 2024 with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of



the petitioner is liable to be cancelled.

*(ii) The petitioner is directed to cooperate in the trial
before the learned court below.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

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