

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1078 of 2025

Arising Out of PS. Case No.-223 Year-2021 Thana- SUPAUL District- Supaul

Md Ali Son of Md. Ibrahim Resident of Village- Pathra, Ward No. 04, P.S.-
Supaul, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rameshwar Yadav Son of Late Ramphal Yadav Resident of Village- Gaurav
Garh, Ward No. 05, P.S.- Supaul, Distt.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-06-2025 Heard Mr. Ranjay Kumar Singh, learned counsel

for the petitioner and Mr. Jitendra Kumar Singh, learned APP

for the State.

2. The petitioner is in judicial custody in
connection with POCSO Case No. 72 of 2021 arising out of
Supaul P.S. Case No. 223 of 2021 for the offence punishable
under sections 366(A) and 34 of the Indian Penal Code.

3. As per the prosecution story, as it unfolds, state
the informant daughter aged about 13 years, while returning
from the market was kidnapped by the accused persons Md.
Ali and it is further alleged that they abducted her for the
purposes of marriage. It further alleges that this despite the



fact that Md. Ali is already married and the victim girl was only 13 years old.

4. Earlier, the petitioner moved before this Court in Cr. Misc. No. 7708 of 2022 which came to be rejected on 27.09.2022. This is the second attempt by the petitioner.

5. Learned counsel for the petitioner submits that he is in custody since 07.08.2021 and thus has remained in custody for almost four years, four out of nine witnesses have been examined way back in the year 2023 whereafter, the trial is at the same stage, if granted bail, he shall be diligently appearing in trial without fail, shall also be visiting the police station every fortnight till the conclusion of the trial.

6. Learned APP though opposes the prayer concede that the petitioner has remained in custody for almost four years and the trial is not likely to be concluded in near future.

7. Taking into account the aforesaid facts and mainly that he has remained in custody since 07.08.2021 and an undertaking has been given that he shall be diligently appearing in the trial as also visiting the police station, the trial is not likely to be concluded in near future, in that background, this Court is inclined to extend him the privilege of bail with conditions.



8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Additional Sessions Judge-VI-Cum- Special Judge POCSO Act, Supaul in connection with POCSO Case No. 72 of 2021 arising out of Supaul P.S. Case No. 223 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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