

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2345 of 2025

Arising Out of PS. Case No.-17 Year-2023 Thana- MAHILA PS District- Darbhanga

Md. Reyaz S/O Md Qayum @ Md. Qaiyum @ Kaijum Sikalgadh Resident of
Village- Chhapki Parri, P.S.- Sadar, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Md. Kamal Resident of Village- Chhapki Parri, P.S.- Sadar, Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2025 Heard Mr.Saurav Anand, learned counsel for the

petitioner and Mr.Dr.Mrityunjaya Kr.Gautam, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
08.12.2023 in connection with Mahila P.S. Case No. 17 of 2023,
(POCSO GR No.31/24) F.I.R. dated 01.03.2023 registered for
the offence punishable under Sections 376,506,448,34 of IPC
later on Sections 4/6 of POCSO Act has been added.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 19.07.2024 passed in Cr. Misc.
No.19121 of 2024.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Although there is specific allegation against the petitioner in the FIR that he committed rape upon the daughter of the informant. Further submits that the trial is going on and up-till-now five prosecution witnesses have been examined and all have become hostile even the victim has not supported the case of the prosecution in the trial and the petitioner is in custody since 08.12.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits.

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 Exclusive Special Judge, (POCSO Act), Darbhanga in connection with Mahila P.S. Case No. 17 of 2023,(POCSO GR No.31/24),with 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/her absence on two consecutive dates without sufficient



reason, his/her 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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