

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34935 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -TEDHAGACHH District- KISANGANJ

Nausad Alam @ Naushad son of Late Ali Hasan Resident of village -
Paschim Jhala, P.S. - Terhagachh, District - Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party : Mr. Rajendra Nath Jha (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-08-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

Apasana Khatoon the mother of the victim made allegation that the petitioner and another came and kidnapped her daughter. The victim was recovered and made her statement under Section 164 of the Cr.P.C. She disclosed that while she was going outside of the house for urinating the petitioner kidnapped her on a motorcycle and kept her confined at Araria for ten days. The petitioner also committed rape with her.

It is submitted that the doctor found the age of the

victim to be between 16-17 years. The father of the victim again filed Tedhagachh P.S. Case No. 27 of 2015 under Sections 364, 365 and 34 of the Indian Penal Code and under Sections 4 and 8 of the POCSO Act for kidnapping of his daughter, the victim of the present case against the brother of the petitioner. The victim was recovered and she made her statement under Section 164 of the Cr.P.C. and stated that earlier she had gone along with Nausad Alam @ Naushad and voluntarily solemnized marriage with him. The police accordingly submitted final form in Tedhagachh P.S. Case No. 27 of 2015. The victim appears to be a major.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged 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 1st Additional Sessions Judge, Kishanganj in Special Case No. 03 of 2015, arising out of Tedhagachh P.S. Case No. 03 of 2015.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--