

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61810 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- BASANTPUR District- Siwan

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Noor Hasan @ Gopal Mian, Son of Late Kudus Mian @ Kudush Paldar,
Resident of Village Khawaspur, P.S.- Basantpur, Lakri Nabiganj, O.P.
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/34,376,211,506 and 120B of the IPC and Sections 6 and 8 of POCSO Act.

The prosecution case as per the written report of Nurul Hoda dated 6.5.2018 submitted to the SHO, Lakri O.P. is to the effect that on 24.4.2018 at about 7 P.M. the daughter of the informant, namely, Shabnam Khatoon aged 13 years, went to ease out towards north to the house near canal, where four persons, namely, Usman Ali, Upasun Mian, Khusbun Nisa and petitioner Noor Hasan alias Gopal Mian along with three other persons abducted her on Bolero vehicle. Subsequently, the victim was recovered and she made her statement under Section 164 Cr.P.C. where she



got her age recorded as 20 years whereas the court assessed her age as 18 years where she stated that she was being kidnapped by Jahir Hussain Darji, Hasnain Mian Darji, Murshid Ansari and Birendra Mukhia and she further stated that co-accused Birendra Mukhia and Murshid Ansari ravished her.

It is submitted by learned counsel for the petitioner that the victim has not named the petitioner in the statement under Section 164 Cr.P.C. It is further submitted that though the petitioner is accused in two other cases, but he is on bail in those cases.

However, learned APP submits that in paragraph nos. 19 to 22 of the case diary all the four witnesses have supported the accusation against the petitioner.

Considering the fact that the petitioner has not been named by the victim in her statement under Section 164 of the Cr.P.C. let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge Ist-cum-Special Judge, Siwan in connection with Basantpur P.S. Case No. 142 of 2018 subject to the conditions laid down in Section



438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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