

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.230 of 2018

Arising Out of PS.Case No. -444 Year- 2017 Thana -ARARIA District- ARARIA

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1. Junaid Askari, S/o Late Masood Alam, Resident of Village- Ghormara,
P.S.- Mahalgaon (Jokihat), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 15-01-2018 Heard both sides.

The petitioner apprehends his arrest in Araria P.S.
case No. 444 of 2017 for the offences punishable under Section
363, 366A, 34 of the Indian Penal Code.

The father of the victim alleged that Wasik Sam
kidnapped his minor daughter with the help of Junaid Askari, the
petitioner, and others.

The learned counsel for the petitioner submits that
the victim was recovered and she made her statement under
Section 164 of the Cr. P. C. The victim did not disclose the name
of the petitioner in her statement under Section 164 of the Cr. P.
C. The police after investigation submitted final form finding the
case false against the petitioner and found the case true only



against Wasik Sam but even then the learned court below took cognizance against the petitioner.

The learned A.P. P. did not dispute these facts.

Considering the facts that police after thorough investigation found the case true only against Wasik Sam and did not found the case true against the petitioner and the victim did not name the petitioner in her statement under Section 164 of the Cr. P. C., the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order 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 learned 1st Additional Sessions Judge, Araria in connection with Araria P.S. case No.444 of 2017 (Spl. POCSO case No. 38 of 2017), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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