

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27564 of 2018

Arising Out of PS. Case No.-142 Year-2017 Thana- SIMRIBAZAR District- Darbhanga

MD. SHARFE ALAM @ CHHOTE S/o Late Tahir Ansari, R/o Vill.-
Bastwara, P.S.- Simri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabina Parween D/o Husna Khatoon and W/o Md. Sharfe Alam @ Chhote,
R/o Vill.- Bastwara Naya Tola, P.S.- Simri, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Kamran
For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.11.2017 in connection with Simri P.S. Case No. 142 of 2017
for offences punishable under Section 366(A) of the Indian
Penal Code and Section 8 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that her daughter Sabina Parween, aged 14 years, went to school
but did not return. It is alleged that the petitioner has kidnapped
her daughter for illicit purposes and when the informant went to
the house of the petitioner, his mother and sister abused and
turned her out.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and the



victim girl in her statement under Section 164 Cr.P.C. has stated that she went out of her own sweetwill to Darbhanga and Delhi and her age has been assessed by the Magistrate as 18 years. He submits that the petitioner has married the informant's daughter and even before the court she has stated that she has no grievance against the petitioner and that she is a major. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 Addl. Sessions Judge cum Special Judge (POCSO Act), Darbhanga, in connection with Simri P.S. Case No. 142 of 2017, POCSO G.R. No. 45 of 2017.

Rajesh/-

(Nilu Agrawal, J)

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