

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14328 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- PARSAUNI District- Sitamarhi

MD. ROZID, aged about 21 years, Male, Son of Md. Jamil Akhtar, Resident of Village-Akhta Bajpai tola, P.S.- Bairania, District- Sitamarhi
... Petitioner

Versus

1. The State of Bihar
2. Bhola Sah, son of late Raju Sah, resident of village Akhata, P.S. Bairania, district Sitamarhi
... Opposite Parties

Appearance :

For the Petitioner	:	Mr. Anil Kumar, Adv.
For the State	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Mr. Rakesh Ambastha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 26-08-2019 Heard learned counsel for the petitioner, the learned counsel appearing on behalf of opposite party no. 2 and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Parsauni P.S. Case No. 41 of 2018 for the offences alleged under Sections 504, 363, 366A and 34 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that minor daughter of informant/opposite party no. 2, Bhola Sah, had gone to attend marriage ceremony of her maternal uncle in village Parsurampur from where Rozid, along with his associates, kidnapped her boarding on a motorcycle. The informant/opposite party no. 2 approached at the house of petitioner and asked his guardian to



return his daughter, but, he was abused.

Learned counsel appearing for the petitioner submits that in fact due to love affairs the daughter of the informant/opposite party no. 2 performed the marriage with the petitioner and her statement is also recorded under Section 164 of the Criminal Procedure Code in which she had admitted about her Nikah with the petitioner. He, further, submits that due to wed lock of petitioner and the daughter of informant/opposite party no. 2, they have been bless with a male issue.

Learned counsel appearing on behalf of the informant/opposite party no. 2 submits that at present petitioner and his daughter are residing together.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Parsauni P.S. Case No. 41 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, POCSO-



cum-Additional Sessions Judge, I, Sitamarhi, or the successor
Court subject to the conditions as laid down under Section
438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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