

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21717 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- BANMANKHI District- Purnia

MD. SAHID @ SHAHID Son of Md. Zahud @ Zahad Resident of Village-
Bishunpur Bahadur, P.S.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Najo Khatoon submitted before the Station House Officer, Banmankhi Police Station is to the effect that on 07.09.2018 at 7.30 A.M., the minor daughter of the informant, namely Haliya Khatoon, aged about 17 years went to ease out, but she went traceless. It is alleged that co-accused Md. Tanveer enticed away the daughter of the informant and when the informant sent her neighbour, Md. Gaffar to the house of co-accused Md. Tanveer to enquire about her daughter, then co-



accused Md. Afroz, Md. Firoz and Md. Rahul abused the neighbour of the informant, leading to registration of FIR against abovenamed persons. The petitioner is not named in the FIR. The petitioner's name sprang up in the statement of the victim girl recorded under Section 164 of the Cr. P.C., wherein she has stated that she used to make video calls to co-accused Tanveer through the mobile phone of this petitioner.

It is submitted by learned counsel for the petitioner that in the statement of the victim recorded under Section 164 of the Cr.P.C., the victim has got her age recorded as 16 years and has further stated that she was being kidnapped by co-accused Md. Tanveer who performed marriage forcibly with her and established physical relationship forcibly. Hence, the thrust of accusation is against co-accused Md. Tanveer.

It is submitted by learned APP for the State that the petitioner used to pressurize the informant to have video calls to co-accused Tanveer through his mobile phone.

Considering the fact that the thrust of accusation is against co-accused Md. Tanveer and the statement of the victim recorded under Section 164 of the Cr.P.C. wherein she has stated that she was being kidnapped by co-accused Md. Tanveer who subsequently performed marriage forcibly with her and



established physical relationship forcibly, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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-cum-Special Judge (POCSO) Case No.151 of 2018, in connection with Banmankhi P.S. Case No.184 of 2018, Special (POCSO) Case No.151 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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