

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63703 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- SIKTI District- Araria

Md. Basir @ Bashir son of Sobhan Ali, Resident of Village- Dhapri
Ghermabari, Police Station- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Sri Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner apprehends his arrest in connection
with Special (POCSO) Case No. 06 of 2018 arising out of Sikty
Police Station Case No. 143 of 2017 registered under Sections
363, 366A, 354A, 376 of the Indian Penal Code and Section 3/4 of
the POCSO Act.

The accusation is that on 30.05.2017, accused
Gulam Rasul and Md. Muslim along with two others entered
into the house of the informant and kidnapped his minor
daughter and the mobile of Gulam Rasul, fell down on the
ground during course of kidnapping.

The learned counsel appearing on behalf of the



petitioners submits that petitioner is not named in the F.I.R.. Name of the petitioner has been disclosed by co-accused Md. Sajjad before the police, which has got no evidentiary value in the eye of law. It is further submitted that after recovery of girl, her statement was recorded under Section 164 Cr.P.C., in which she has denied about her kidnapping rather she disclosed that out of her sweet will, she married to Gulam Rasul, which is evident from Annexure-2 to the petition. Petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by them within six weeks from today, be enlarged on bail on his 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, Araria in connection with Special (POCSO) Case No. 06 of 2018 arising out of Sikty P.S. Case No. 143 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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