

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69112 of 2019

Arising Out of PS. Case No.-409 Year-2019 Thana- SASARAM NAGAR District- Rohtas

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AHSAAN KHAN, aged about 19 years, male, S/o Zafar Khan, R/o Mohalla-
Chhota Sheikhpura, P.S.- Sasaram (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 363, 366 (A), 511, 34 of the
Indian Penal Code and Section 8 of POCSO Act.

The prosecution case is that one Awadhesh Kumar gave
his written statement before S.H.O., Town P.S., Sasaram stating
therein that on 14.05.2019 in night he had gone to attend
marriage ceremony in his family and his old mother Mina Devi
and daughter Anjali Kumari and about 12 years were in the
house at about 12.10 when he returned home he saw that
accused Imam Khan and Ahsaan Khan (the petitioner) who were
forcibly took his daughter on motorcycle, then he raised alarm
and rush for saving his daughter and they pushed him and after



hearing alarm, neighbours assembled and tried to catch the both persons and in during course one person was caught by them, in the meantime, police patrolling party reached there and apprehended person named as Ahssan Khan was handed over to the police. Both persons kidnapped his daughter.

Learned counsel for the petitioner submits that the charge sheet has been submitted for the offence u/s 366(A), 511/34 of the I.P.C. The statement of victim was recorded by the police u/s 161 of the Cr.P.C. but she was not examined before the court u/s 164 of the Cr.P.C. The informant Awadhesh Kumar sworn an affidavit dated 18.07.2019 stating therein that due to misunderstanding the instant case has been filed. The petitioner is in custody since 16.05.2019 and has clean antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 learned 1st Additional Sessions Judge, Rohtas, Sasaram, in connection with POCSO Case No. 50/2019 arising out of Sasaram Town P.S. Case No. 409 of 2019, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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