

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77045 of 2018

Arising Out of PS. Case No.-459 Year-2017 Thana- SAUR BAZAR District- Saharsa

Md. Laddu @ Sahabuddin, Son of Md. Kamil, Resident of Village- Lahauna
Ward No. 6, P.S.- Sour Bazar District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Najmul Hodda, Advocate.
For the informant	:	Mr. Pawan Kumar, Advocate.
For the State	:	Mr. Shailendra Kumar -1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-03-2019 Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner seeks bail in **Saur Bazar (Police Camp Pastpar) P.S. Case No. 459 of 2017 (POCSO Case No. 37 of 2017)**, instituted for the offence under Section(s) 363, 366(A), 376/34 of Indian Penal Code and Section 4 of POCSO Act.

It is alleged in the written report that on 29.09.2017 at about 11:00 a.m. when the minor daughter of informant and his wife had gone for call of nature, two persons came on Motorcycle, and forcibly kidnapped the daughter of informant. The wife of informant in the torch light identified one person as Md. Laddu (petitioner). She could not identify another person. The wife of informant tried to save, then petitioner pointed out pistol and gave threat to kill her. Thereafter, both the accused persons forcibly took away the minor



daughter of the informant on Motorcycle towards north side. The wife of informant fled away towards her house raising hulla and narrated the story to the informant and other villagers. The informant and other persons had gone to the house of the petitioner then they were abused by father of the petitioner. The victim girl was recovered on 30.09.2017 from the village Kabatgama by Arbind Yadav (husband of Sarpanch) with the help of villagers. The victim girl told the informant that Md Laddu (petitioner) and his associates committed rape with her and tried to kill her.

Counsel for the petitioner submits that victim girl has been medically examined. The medical report of victim girl has been enclosed as Annexure-2 wherein the Doctor has found no injury either on her body or on her private part. Counsel for the petitioner further submits that witnesses have stated in paragraphs 206, 207 and 210 of the case diary that petitioner has been falsely implicated at the instance of present *Mukhiya*.

Counsel for the informant has appeared and submitted that victim girl has given statement under Section 164 Cr. P.C. which is available in the case diary wherein she has stated that she was taken by the petitioner on Motorcycle. She has further stated that petitioner in the way, at some unknown place, committed illegal act with her. Thereafter, he left her in unknown house in Murliganj and she was recovered by husband of Sarpanch and villager Md. Firoz.

In this manner, mere vague allegation has been levelled



by victim girl against petitioner in her statement under Section 164 Cr. P.C.

Petitioner is in custody since 21.7.2018.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released 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 Additional Sessions Judge-cum-Special Judge, Saharsa**, in connection with **Saur Bazar (Police Camp Pastpar) P.S. Case No. 459 of 2017 (POCSO Case No. 37 of 2017)**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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