

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85702 of 2019

Arising Out of PS. Case No.-261 Year-2019 Thana- BANIAPUR District- Saran

NAUSAD ALAM @ NAUSAD ANSARI Son of Late Imamuddin Ansari
Resident of Village - Satua, P.S.- Baniapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Baniapur P.S. Case No. 261 of 2019 for the offence punishable under
Section 366(A)/34 of the Indian Penal Code and Section 12 of the
POCSO Act.

The allegation is regarding the accused persons having
kidnapped the victim girl.

The learned counsel for the petitioner has submitted that a
bare perusal of the statement made by the victim girl under Section
164 Cr. P.C. before the learned Magistrate, would show that she was
kidnapped by the co-accused person, namely, Irshad Ansari and the
petitioner being the brother of the said co-accused person, has been
falsely implicated in the present case. It is further submitted that the
petitioner is having a clean antecedent and is languishing in custody



since 13.8.2019.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has alternatively submitted that since the trial is going on, in case the petitioner is being granted bail, he should be directed to attend the trial on each and every date.

Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st cum Special Judge, POCSO, Saran at Chapra in connection with Baniapur P.S. Case No. 261 of 2019.

It is further directed that the petitioner shall attend the ongoing trial before the learned court below on each and every date so fixed by the learned trial court and in the event of two consecutive default, the present privilege of regular bail extended to the petitioner shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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