

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32058 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- SIDHWALIYA District- Gopalganj

Raj Mahamad Miyan @ Rajmahmad Ansari, S/o Late Saddik Miyan, R/o village- Bucheya Mathiya, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Sidhwaliya P.S. Case No.79 of 2020 registered under Sections 363 and 366A of the Indian Penal Code.

Learned counsel for the petitioner has drawn my attention towards the order dated 10.11.2020 passed by the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO in A.B.P. No.1263 of 2020 by which co-accused Ratula Khatoon @ Saratul Nesha has been granted pre-arrest bail. A perusal of the order would reflect that the alleged victim has made her statement under Section 164 of the Code of Criminal Procedure in which she has stated that she had fallen in love with the accused Tabrej Alam as a result of which her parents



were annoyed and they ousted her on the date of occurrence from the house. Thereafter, she called the accused Tabrej Alam on phone and went to Delhi along with him.

Learned counsel for the petitioner contended that the petitioner is the father of the accused Tabrej Alam and he has nothing to do with the alleged offence registered under Sections 363 and 366A of the Indian Penal Code. He contended that the ingredients of the offences alleged are not attracted against the petitioner.

Learned counsel appearing for the State has opposed the application for bail of the petitioner.

Considering the facts and circumstances of the case and the submissions made above, the petitioner, who is in custody since 06.06.2020, is directed to 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Gopalganj in connection with Sidhwaliya P.S. Case No.79 of 2020.

(Ashwani Kumar Singh, J.)

sanjeet/-

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