

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7632 of 2021

Arising Out of PS. Case No.-563 Year-2020 Thana- MAJHAULIA District- West Champaran

MD. KAIF ALAM, aged about 19 years, Male, Son of Sekh Wakil, Resident of Diuliya, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. Md. Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Majhauria P.S. Case No. 563/2020 for the offence registered under Sections 366(A)/34 of the I.P.C. and 12 of the POCSO Act.

The prosecution story, in brief, is that on 10.08.2020 at about 4.00 A.M., when the informant alongwith her daughter aged about 15 years, was going to attend call of nature, in the meantime, a *Bolero* vehicle came near them and F.I.R. named accused persons including the petitioner came out from the



vehicle and abducted the daughter of the informant for the purpose of marriage. On hulla, villagers came there but they fled away from there.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has been recovered and her statement under Section 164 Cr. P.C. has been recorded where she has not named the petitioner. It is further submitted that no allegation of sexual or physical assault has been alleged by the victim against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6th-cum-Special Judge, POCSO, Bettiah, West Champaran, in connection



with Majhaulia P.S. Case No. 563/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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