

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11730 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- SATHI District- West Champaran

1. Sheikh Kamrul Hoda, about 52 Y/M, S/O Late Sheikh Yakin, Resident Of Village - Belwa, P.S.- Sathi, District - West Champaran.
2. Mahtab Alam, about 30 Y/M, S/O Sheikh Kamrul Hoda, Resident Of Village - Belwa, P.S.- Sathi, District - West Champaran.
3. Samse Alam, about 25 Y/M, S/O Sheikh Kamrul Hoda, Resident Of Village - Belwa, P.S.- Sathi, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The petitioners are apprehending their arrest in connection with Sathi P.S. Case No. 126 of 2020 for the offence registered under Sections 363 and 366(A)/34 of the I.P.C. Later on, Section 8 of the POCSO Act was also added.

The prosecution story, in brief, is that the daughter of the informant, namely, Shagufat Praween went to attend call of



nature in the field but she did not return. In course of search, it has come to the knowledge of the informant that his villagers, namely, co-accused Kamre Alam, Sheikh Kamrul Hoda (petitioner no. 1), Mahtab Alam (petitioner no. 2), Samse Alam (petitioner no. 3) and co-accused Sheikh Aslam kidnapped her daughter for the purpose of marriage.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The victim has been recovered and her statement under Section 164 Cr. P.C. has been recorded where she has not made allegation against the petitioners.

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

Considering the aforesaid facts and circumstances of the case, let the petitioners 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) each with two sureties of the like amount each to the



satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, West Champaran at Bettiah, in connection with Sathi P.S. Case No. 126 of 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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