

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4671 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Md. Salim @ Allah Rakkha, Son of Late Md. Ansari, Resident of Village -
Maharajganj, P.S.- Madhubani Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Madhubani Town P.S. Case No. 317 of 2021, registered for the alleged offences under Sections 363, 366(A) of the Indian Penal Code and Sections 8 and 12 of the POCSO Act, 2012.

Allegedly the petitioner with the help of other co-accused persons enticed away the minor daughter of the informant.



The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner never kidnapped the victim girl and she went with him out of own sweet will and recorded her statement under Section 164 Cr.P.C. to this effect. The medical examination of the victim girl was conducted and no evidence of any sexual assault was found. It is a case of love affair and charge-sheet has been submitted in this case. The petitioner is in custody since 25.09.2021.

Learned APP opposes the prayer for bail submitting that the victim girl is minor and it does not matter that she went away herself with the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the victim girl went with the petitioner on her own and she is aged about 16 years and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge VI-cum-Special Judge (POCSO), Madhubani in connection with Madhubani Town P.S. Case No. 317 of 2021, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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