

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9922 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- MUFFASIL District- West Champaran

LADDU KHAN SON OF AHMED KHAN RESIDENCE OF VILLAGE-
SONSARIYA, P.S.- MUFFASIL, DISTRICT- WEST CHAMPARAN
BETTIAH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bettiah
Muffasil P.S. Case No. 346 of 2021 registered for the offence
under Sections 323, 327, 354B, 363, 448, 504, 506 and 34 of the
Indian Penal Code and Sections 8 and 12 of POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.09.2021.

The allegation against the petitioner is to elope with
minor married daughter of the informant and also to kidnap with



further allegation of sexual assault.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that there is family dispute between the parties. It has further been submitted that the minor daughter of the informant has already been solemnized 3rd marriage on 09.06.2021 after one month of present occurrence and living happily in her matrimonial home. It has further been submitted that the FIR is not showing that victim was minor at the time of occurrence. While concluding the argument, it has been submitted that there is no allegation of sexual assault against the petitioner, who is none but own uncle of victim and a man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is property dispute between the parties.

Considering the facts and circumstances as mentioned above, as admittedly, there is property dispute between the parties coupled with the fact that FIR is showing that victim is married daughter of the informant without specifying any age or claiming to be a minor, let the petitioner, above named, is directed to be released on bail in connection with Bettiah Muffasil P.S. Case No. 346 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-A.D.J. VI, West Champaran, Bettiah, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Akhtar Hussain, who is the Bhaisur of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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