

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15413 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- BALTHAR District- West Champaran

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Nausad Alam Son of Khalil Miya @ Md. Khalil Resident of Vill- Balthar, P.S-
Balthar, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 12-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Balthar
P.S. Case No. 8 of 2022 registered for the offence under
Sections 363, 366, 366A and 34 of Indian Penal Code and later
on Section 8 of POCSO Act has been added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.01.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant alongwith other co-accused
persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that, as per the statement of victim recorded during the course of investigation, it can be safely gathered that the victim was major and it was not the case of kidnapping rather victim herself accompanied with the petitioner and there was love affair between them. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the statement of victim girl negate the allegation of kidnapping and sexual assault against the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balthar P.S. Case No. 8 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum-Special Judge (POCSO), Bettiah, West



Champaran/concerned Court, 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 Musahib Miya, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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