

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27645 of 2022

Arising Out of PS. Case No.-35 Year-2018 Thana- SATHI District- West Champaran

Fajlur Rahman Son Of Late Sheikh Safi Ahmad R/O Village- Kalabarwa,
P.S.- Sathi, District- West Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to remove
the defect(s) as pointed out by the office within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered for the offence under Sections-363, 366(A), 34 of the
Indian Penal Code and 8 of POCSO Act.

The prosecution allegation, in short, is that Sandhya,
minor daughter of the informant was kidnapped by the accused
persons.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The victim was
recovered. The statement of the victim under Section-164 of the



Cr.P.C. was recorded in which, she has not supported the allegation made in the FIR. She left house out of her own sweet will. The statement of the victim recorded under Section-164 of the Cr.P.C. is Annexure-5 to the present application. The police submitted final form against the petitioner but the court below differed with the said report and took cognizance. Hence the present application has been filed.

On behalf of the State, it is submitted that the petitioner is named in the F.IR.

Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of arrest/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/- (ten thousand) with two sureties of the like amount each of the satisfaction of learned Additional District & Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Sathi P.S. Case No. 35 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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