

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29463 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- MAINATAND District- West Champaran

1. Asrun Khatoon @ Asrun Nesha Wife Of Sheikh Maksud Resident Of Village - Bastha Ps - Mainatand District - West Champaran
2. Sheikh Maksud Son Of Late Shiekh Arif Resident Of Village- Bastha Ps- Mainatand District- West Champaran
3. Shekh Aslam Son Of Late Shamsuddin Resident Of Village- Bastha Ps- Mainatand District- West Champaran
4. Sheikh Hasad @ Hasaad Son Of Sheikh Talim Resident Of Village- Bastha Ps- Mainatand District- West Champaran
5. Sheikh Mister Son Of Sheikh Talim Resident Of Village- Bastha Ps- Mainatand District- West Champaran
6. Sheikh Afroj Son Of Md Sahni Resident Of Village - Ladiyahi Ps - Sikta District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey
For the Informant	:	Mr. Asif Kalim
For the State	:	Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 363, 366(A), 323, 504, 506, 34 of the Indian



Penal Code and Sections 8, 12, 14 and 17 of the Protection of Children From Sexual Offences Act.

It is alleged against the petitioners that they have abducted the minor daughter of the informant.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The informant had earlier filed lodged Mainatand P.S. Case No. 156 of 2020 for elopement of his daughter against petitioner No. 4. However, in the aforesaid case, the victim in her 164 Cr.P.C statement has denied the allegations levelled in the F.I.R and did not chose to go with her parents, rather she desired to go to her aunt's place. The age of the victim was assessed by the Medical Board in between 19-20 years in the previous case. It is further submitted that for the alleged occurrence of 22.04.2021, the complaint has been filed on 13.07.2021. The police, after investigation has found the case not true against the petitioners and submitted final form but differing



with the final form, cognizance has been taken against the petitioners. It has also come in light during investigation that the victim had gone to her aunt's house where she is residing. The 164 Cr.P.C statement of the victim has still not been recorded. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent, except petitioner No. 4 who is accused in one other case which was lodged by the same very informant for elopement of same very girl.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 127 of 2021, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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