

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46130 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

MD. ABBAS @ MD. ABBAS ALAM Son of Md. Husain @ Md. Husain
Ansari @ Md. Husain Miyan Resident of village - Ajgari, P.S. Banjaria,
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Town P.S. Case No. 214 of 2021 for the offence registered under
Sections 366A, 120B/34 of the Indian Penal Code, Section 8 of
the POCSO Act and Section 3(2)(va) of the SC/ST (Prevention
of Atrocities) Act.

The allegation is regarding the accused persons
including the petitioner herein having kidnapped the victim girl.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 23.03.2021. The learned counsel for the



petitioner has submitted by referring to the statement made by the victim girl under section 164 Cr.P.C. before the learned Magistrate that the victim girl has not alleged any untoward incident to have been committed by the accused persons. In fact the victim girl has identified only one person namely Aditya Kumar and as far as the petitioner is concerned, he has not been identified by the victim girl by name.

Per contra, Ms. Usha Kumari, the learned A.P.P. for the State has submitted by referring to the case diary that as far as the petitioner is concerned, it has been stated in the supervision note that he was not found roaming with the victim girl after the alleged incident near the house of the informant. Upon a query being put by this Court regarding opinion of the medical board, it has been submitted that the age of the victim girl has been assessed as 18–19 years, as is apparent from paragraph no. 39 of the case diary.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there is minuscule evidence so as to connect the petitioner with the alleged crime and moreover the



victim girl has not alleged any untoward incident to have been committed by the petitioner apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about one year, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO, East Champaran, Motihari in connection with Town P.S. Case No. 214 of 2021.

(Mohit Kumar Shah, J)

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