

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37129 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- BABUBARHI District- Madhubani

1. Md. Mansur Alam Son Of Late Kasim R/O Village- Mauahi Lohapipar, P.S.- Babubarhi, District- Madhubani
2. Md. Maksud Alam Son Of Late Kasim R/O Village- Mauahi Lohapipar, P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Phulparas P.S. Case No. 17 of 2022 lodged under Sections 341, 34, 354(A), 366(A), 504, 536, 509/34 of the I.P.C. read with Sections 8, 12 of the POCSO Act.

As per the prosecution case, the allegation of kidnapping of minor girl for the purpose of marriage is there in the F.I.R.

Learned counsel for the petitioners submit that

petitioners are innocent and has committed no offence. He further submits that the petitioners are the maternal uncles of the alleged victim. He further submits that the victim went with the maternal uncle and, subsequently, returned back. He submits that petitioners are in custody since 12.05.2022, charge sheet has already been filed in this case and there is one criminal case pending against the petitioners in which they are in bail. Learned counsel for the petitioners further submit that they are ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the allegation of the F.I.R. has fully supported in the statement under Section 164 of Cr.P.C. He further submits that it is true that the petitioners are the maternal uncles of the alleged victim. But it does not means that they are entitle to kidnap their own *bhagni*.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present but liberty is hereby granted to the petitioners to move for bail only after framing of charge. The Trial Court is directed to release the petitioners on bail after framing of charge imposing its own conditions so that they may

not evade from trial.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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