

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39106 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- MAJHAULIA District- West Champaran

Bhola Ansari @ Md. Akabar Alam, Son Of Saimul Ansari @ Saimullah
Ansari Resident Of Village - Ward No. 13, Majhariya Shekh, P.S.- Majhauria,
District - West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
366(A), 363 and 34 of the Indian Penal Code and Section 8 of
the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that earlier Majhauria P. S. Case No. 712 of 2021, was
registered for kidnapping of her daughter, but in that case, the
police recovered the victim and handed her over to the parents
i.e. the informant and her husband. Thereafter, it is alleged that
the victim was brought by the informant and she was staying in



her younger sister's house. Thereafter, it is alleged that on 13.01.2022 at about 12.00 A.M. in the midnight, the named accused persons forcibly kidnapped the victim girl by a Bolero vehicle and threatened the informant not to institute a case or she would get the dead body of the victim.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that informant claims to be an eye witness to the occurrence and thus, seven named accused persons were involved in the act of kidnapping. It is next submitted that petitioner is not named in the F.I.R. It is next submitted that victim was in love with Aslam Ansari and thus, had eloped with him for the second time. It is next submitted that the name of the petitioner transpired during the course of investigation, but the victim in her statement recorded under Section 164 Cr.P.C. does not allege any overt act against the petitioner. It is also submitted that victim in her statement under Section 161 of the Cr.P.C. had not named the petitioner. It is next submitted that the date of occurrence is 13.01.2022 and the F.I.R. was instituted on 03.02.2022 which further creates doubt with regard to the veracity of the allegation.

Learned A.P.P. opposes the bail application.



Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Majhauria P. S. Case No.86 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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