

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49932 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- BALTHAR District- West Champaran

SAFDAR ALI S/o SHEIKH KUDRUS R/o VILLAGE-
PURUSHOTTAMPUR, P.S-PURUSHOTTAMPUR, DISTRICT-WEST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv
For the State : Mr. Sachidanand Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-04-2022 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and Mr. Sachidanand Rai, learned Additional

Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Balthar PS Case No. 25/2021 registered for the offence
punishable under Sections 363, 366A of the IPC and under
Section 08 of the POCSO Act.

As per First Information Report, the petitioner
abducted the minor daughter of the informant with the help of
other accused persons.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case due to village



rivalry. He next submits that the petitioner is married to a girl of the village of informant and the daughter of the informant was in talking terms with the petitioner. It is also submitted that the FIR has been lodged after a delay of two days on 09.03.2021 whereas the alleged occurrence took place on 07.03.2021 and on 09.03.2021 itself, the victim girl returned to the house of the informant. Learned counsel referring to para-3 of the case diary, submits that the girl was found talking with the petitioner on the road side wearing Burqua. He also submits that the statement of the victim girl under Section 161 CrPC and under Section 164 CrPC was recorded wherein she nowhere has stated that at any point of time, she was abused physically or sexually by the petitioner. Petitioner, having no criminal antecedent, is in custody since 11.03.2021.

Regards being had to the submissions made by the parties and taking into consideration the statement recorded under Sections 161 and 164 CrPC, wherein the victim girl has stated that she was not abused physically or sexually by the petitioner or anybody else at the behest of the petitioner, he, having no criminal antecedent, is in custody since 11.03.2021 and the charge-sheet has also been submitted in the matter, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, SAFDAR ALI 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 Additional Sessions Judge 7th, -cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Balthar PS Case No. 25/2021.

(Anil Kumar Sinha, J)

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