

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43636 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- PARSAUNI District- Sitamarhi

1. Md. Belal Ansari S/o Late Bhikhari Ansari R/o village- Sarkhauli, P.S.- Parsauni, District- Sitamarhi
2. Md. Noor Alam S/o Late Bhikhari Ansari R/o village- Sarkhauli, P.S.- Parsauni, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Madhubala Verma ,Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant/s	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Parsauni P.S. Case No. 177 of 2021 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution, the informant's minor sister aged about 16 years was kidnapped by the petitioners along with a co-accused person Md. Jalal Ansari. Further it is alleged that co-

accused Md. Jalal Ansari used to have long conversation with the informant's sister over mobile phone.

The main submissions advanced by learned counsel Mrs. Madhubala Verma, appearing for the petitioners are that there was no good relation in between the petitioners' family and the informant's family and prior to the institution of the FIR of the present case petitioner Md. Belal Ansari had filed an informatory petition before S.D.O concerned revealing his apprehension about false implication by the informant and after filing that informatory petition the present case was lodged. Further submission is that the so-called victim has been recovered and she has recorded her statement under Section 164 Cr.P.C before the Judicial Magistrate, in which she has denied the allegation and the facts stated by her have been discussed in the order impugned.

Learned APP Mr. Nitya Nand Tiwary, appearing for the State and learned counsel Mr. Uday Kumar, appearing for the infromant have vehemently opposed the prayer for bail and submitted that the victim is a minor girl and there is a serious and direct allegation against the petitioners.

Having considered the statement of the victim recorded before the Judicial Magistrate in which she has denied

the occurrence of kidnapping and she had revealed that she had gone to her maternal aunt's place at Kathmandu (Nepal) at the relevant time of the alleged occurrence as the said facts have been discussed in the order impugned and the victim's own statement which is the most important evidence at this stage goes against the prosecution's allegation and also considering the petitioners' custody period and above submissions, in the opinion of this Court the petitioners deserve to a lenient approach of this Court. Accordingly, let the petitioners be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Parsauni P.S. Case No. 177 of 2021.

(Shailendra Singh, J.)

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