

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56609 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- PIPRA District- East Champaran

SADDAM HUSSAIN SON OF ANWAR MANSURI R/o VILLAGE-
DILIYA, P.S-MUFFASIL (PAHLEJA), DISTRICT-ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 22-06-2022 Supplementary affidavit has been filed on behalf of
the petitioner for rectification in para 1 of the petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Pipra
P.S. Case No. 76 of 2021, CIS No. 57 of 2021 registered for the
offences punishable under Sections 363, 366A of IPC and
Section 8 of the POCSO Act.

As per allegation in the F.I.R., the informant along
with family members were residing at Surat and two months
before, the informant came to village Sohanpura along with her
daughter and he is initiating the proposal of marriage of his



daughter. It is alleged that on 18.02.2021 while the informant along with family members were sleeping, the present petitioner came to his house and taken away his daughter by act of inducement.

Learned counsel for the petitioner submits that petitioner is in custody since 04.08.2021 and bears no criminal antecedent. He further submits that from the perusal of F.I.R. itself it is clear that the alleged occurrence took place on 18.02.2021 at 12.00 hours in night but F.I.R. alleged to be lodged on 01.03.2021 and there is no plausible explanation of delay of about 11 days for lodging the F.I.R. It is further submitted that date of birth of Rubi Giri is on 18.06.2003 and at the time of alleged occurrence she was aged about 18 years and she has voluntarily married with the petitioner on 26.07.2021. Both are residing together as husband and wife and in this regard photo copy of the marriage certificate has already been annexed as Annexure-2 to the petition. On the basis of Medical Board the age of victim was assessed between 18 to 19 years. It is further submitted that the daughter of informant and petitioner have been in love affair and in the statement of victim given under Section 164 Cr.P.C. she admitted the fact that she left her house along with petitioner and performed marriage with



petitioner and she is residing as wife and husband. Charge sheet has already been submitted and there is no likelihood of tempering the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and nature of allegation and statement of victim girl clearly shows that petitioner never induced to leave the house of informant rather victim girl left her father house voluntarily and also keeping in view clean antecedent of petitioner and taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VII-cum-Special Judge POCSO, East Champaran, Motihari in connection with Pipra P.S. Case No. 76 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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