

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48812 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

MD. ALI, Son of Md. Samid @ Samid Mansuri, R/V- Fatehpur Mansori Toli,
P.S- Industrial, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioner and
the learned APP for the State.

3. The petitioner seeks bail in connection with
POCSO P.S. Case No.90 of 2021 arising out of Industrial P.S.
Case No.89 of 2021 registered for the offences punishable under
Sections 366A and 34 of the Indian Penal Code and Section 4 of
the POCSO Act.

4. The informant has alleged that her minor
daughter aged about 16 years was kidnapped by the co-accused
Md. Samir for the purpose of marriage. The petitioner, along
with some other co-accused, have allegedly facilitated or aided
the offence.



5. Learned counsel for the petitioner submits that the petitioner has been implicated only because of his relation with the co-accused Md. Samir. He is in custody since 04.05.2022, having no criminal antecedents. In her statement, recorded under Section 164 Cr.P.C., the victim has not stated name of any other co-accused, except Md. Samir. Subsequently the parties have come together and a compromise petition has been filed in the records before the Court, copy of the same is Annexure-3 to the bail application. It is also submitted that the F.I.R. alleges the victim to be 16 years whereas in her statement it is stated that she is 17 years old.

6. Learned APP has opposed the prayer for bail.

7. Considering the rival submissions, having regard to statement of the victim under Section 164 Cr.P.C. as well as the compromise, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, 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 the learned Exclusive Special Judge POSCO Act -cum- Additional District & Sessions Judge-VI, Bhagalpur, in



connection with POCSO P.S. Case No.90 of 2021 arising out of Industrial P.S. Case No.89 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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