

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60945 of 2021**

Arising Out of PS. Case No.-224 Year-2021 Thana- CHOUTARWA District- West  
Champaran

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Mujibur Rahman, Son of Reyaz Dhuniya, Resident of Kolhua Chautarwa,  
Police Station - Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      01-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chautarwa P.S. Case No. 224 of 2021 registered for the alleged offences under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the informant registered a case against the petitioner that he enticed away her minor daughter with wrong intention and also for forcibly solemnizing marriage with her.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 161 Cr.P.C. by the police and Section 164 Cr.P.C. before the learned Magistrate and from her statement, it is clear that no offence is made out against the petitioner. The victim girl has stated that she herself left her house getting angry with her mother. The girl was medically examined and her age was assessed to be 17 years and no evidence of any sexual contact was found in the report. Charge-sheet has been submitted and the petitioner is in custody since 14.07.2021.

Learned APP opposes the prayer for bail submitting that the victim was the minor and the petitioner took her away giving her inducement.

Perused the records.

Having regard to the facts and circumstances of the case and considering the statement of the victim girl recorded before the learned Magistrate as well as her medical examination report and further considering submission of charge-sheet along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional district and Sessions Judge VIII-cum-Special Judge (POCSO), West Champaran at Bettiah in connection with Chautarwa P.S. Case No. 224 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and also the following conditions:

(i) One of the bailors will be the close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Rajnish/-

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