

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14706 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- BETTIAH CITY District- West
Champaran

Masoom Alam Son of Shamim Alam @ Shamim Akhatar R/V- Jamadar Tola,
P.S- Kalibagh O.P Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 576 of 2022 registered on 06.08.2022 for the alleged offences under Sections 341/354B of the Indian Penal Code and Sections 4/12 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, petitioner tried to entice away the minor daughter of the informant while she was playing and he was caught by the co-villagers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is not the eye witness to the occurrence and



there is only suspicion against the petitioner that he tried to take away the daughter of the informant. The petitioner is resident of the same locality and the victim girl was hit by the bicycle of the petitioner and on the next day he was caught by the local people and handed over to the police with false allegation. From the facts of the FIR no offence under the provisions of POCSO Act is made out against the petitioner. The petitioner is in custody since 07.08.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner tried to entice away the minor daughter of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the fact that only suspicion has been raised against the petitioner for taking away the minor daughter of the informant and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI -cum-Special Judge, POCSO, Bettiah, West Champaran/concerned court in connection with Bettiah Town (Kalibagh O.P.) P.S. Case



No. 576 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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