

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15894 of 2023

Arising Out of PS. Case No.-638 Year-2022 Thana- CHANPATIA District- West Champaran

Saif Ali Son Of Akbar Mian Resident Of Village - Dubauliya, P.S. -
Chanpatiya, Distt. - West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366(A)/34 of the Indian Penal Code and Section 12/17 of the POCSO Act.

3. According to the FIR, it is alleged that two minor daughters (victims) of the informant were abducted by the accused petitioner along with the co-accused persons for the ulterior motive of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From perusal of case diary, it appears that both the victims have been recovered and Samsida Khatoon solemnized marriage to co-accused Vivek Pandey and Afreena Khatoon married to co-



accused Altaf Ali. It is also submitted that victim Afreena stated about complicity of the petitioner in her statement recorded u/s 164 of the Cr.P.C. but other victim Samsida has not supported the version of Afreena in her statement. As per supplementary affidavit, it is evident that there is land dispute between the father of the petitioner and victim's father due to which victim Afreena Khatoon gave manipulated statement against the petitioner. Moreover, the prosecution case suggests that there is love affairs between the victims and co-accused persons and the petitioner was made an accused in the present case due to *mala-fide* intention. It is further submitted that the petitioner is languishing in judicial custody since 21.11.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chanpatiya P.S. Case No. 638 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge POCSO-cum- Additional
District Judge-VI, West Champaran at Bettiah.

(Sunil Kumar Panwar, J)

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