

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16703 of 2023

Arising Out of PS. Case No.-266 Year-2021 Thana- AMDABAD District- Katihar

Sk. Zulfikar @ Sk. Zulfekar S/O Sk. Firaj @ Dabba @ Shekh Firoj Resident
Of Village- Mayamari, P.S.- Amdabad, District- Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 323, 341, 366A, 376, 511, 34 of the Indian Penal Code and Sections 4 of the POCSO Act.

As per FIR, the allegation against the accused persons including the petitioner is that they kidnapped the informant/victim due to ulterior motives.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner and the victim belongs to Muslim community and due to previous enmity he has falsely been implicated in this



case. He has got no criminal antecedent. There is inordinate delay of two months and 20 days in lodging the FIR without given any cogent reason. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C., she has not stated of any physical assault against the petitioner. The petitioner suo-motu surrendered on 17.01.2023 since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

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 Amdabad P.S. Case No. 266 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VII-cum Special Judge POCSO, Court Katihar.

(Sunil Kumar Panwar, J)

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