

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28197 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- SARAI District- Vaishali

MD. SAGIR @ SAHGIR son of Nasruddin @ Nasiruddin @ Mohammad
Nasruddin RESIDENT OF MOHALLA- RAMBAGH CHAURI POLICE
STATION- MITHANPURA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Kumar Paswan S/o Laxman Prasad R/o Matiyara Tok P.S. Sarai
District Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the State	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Awadhesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2023 Heard learned counsel for the parties.

2. The petitioner prays for grant of anticipatory bail apprehending his arrest in connection with Sarai P.S. Case no. 225 of 2022 registered under sections 366A, 323, 504 and 34 of the Indian Penal Code and section 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, it is stated by the informant that his 16 year old minor daughter did not return from her coaching classes at the time when she generally returns. On search it transpired that she had been kidnapped by the three named accused persons including the petitioner herein. It is further stated that on going to the petitioner's house to



make an inquiry, he was abused and assaulted.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Except for an unfounded and unsubstantiated suspicion raised against the petitioner in the FIR there is no material against him. No offence under the SC/ST Act is made out from the contents of the FIR. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C wherein she did not support the allegation against the petitioner nor has she named him.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegations in the FIR, the material that has transpired in course of investigation especially the statement of the daughter of the informant recorded under section 164 Cr.P.C wherein she does not name the petitioner and infact states about her going out of her own volition, in the event of his arrest or surrender within four weeks, the petitioner is directed to be enlarged on bail in connection Sarai P.S. Case no. 225 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge POCSO, Vaishali at
Hajipur.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

