

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27578 of 2023

Arising Out of PS. Case No.-688 Year-2022 Thana- SURSAND District- Sitamarhi

TAUSIF LAHERI @ TAUSIF LEHERI @ MD. TOHSIF LAHERI @ MD.
TAUSIF LAHERI Son of Shabir Laheri Resident of village - Sursand, P.S. -
Sursand, Distt. - Sitamarhi. Petitioner/s

Versus

THE STATE OF BIHAR. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-10-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State

2. The petitioner apprehends his arrest in Sursand P.S. Case No. 688 of 2022 registered for the offences punishable under Sections 363, 366A, 504 & 506 read with Section 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Petitioner is said to have kidnapped the minor daughter of the informant from his shop.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the daughter of the informant was in love with the petitioner and she eloped with him on her own volition. It is further submitted that there is delay of 25 days in lodging the present F.I.R. without assigning any cogent reason for the said delay. It is further submitted that



the statement given by the girl before the Magistrate was a tutored one is also apparent from her message sent to the petitioner on whats app/SMS and the said messages are annexed as Annexure-2 series to this application. It is also submitted that the victim has refused to appear before the Medical Board for her examination. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that considering the statement of the victim made under Section 164 Cr.P.C. and from perusal of the case diary, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order considering the messages sent by the victim girl to the petitioner.

(Anjani Kumar Sharan, J)

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