

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30172 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- JOGBANI District- Araria

Md. Mosim @ Md. Moseem S/O Late Md. Sahadat R/O Village- Dipoul,
Amauna, Bhavanipur, Ward No. 16, P.S- Jogbani (Bathnaha O.P), Distt.-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 13-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 379, 354B, 366A, 504 and 506 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Allegation against the petitioner along with other co-accused persons is that they forcefully entered in the house of the informant and started assaulting and outraging the modesty of the informant along with her daughter. Further, they abducted the minor daughter of the informant and outraged her modesty and assaulted her as well.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to money dispute. It is further submitted from para-8 of this petition that the husband of the informant had taken Rs. 50000/- for the purpose of his daughter's marriage and on repeated demand being made, the informant's husband instead of making payment, he implicated the petitioner in false case. The daughter of the informant has been recovered at Araria Railway Station and thereafter her statement was recorded under Section 164 of the Cr.P.C., in which she has not made any allegation against the petitioner along with other co-accused persons in respect of physical assault or physical abuse with her. Moreover, the petitioner is languishing in judicial custody since 08.03.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that it is case of outraging the modesty and abduction of the informant's daughter.

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 Jogbani(Bathnaha) P.S. Case



No. 81 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 Sessions Judge 6th, Araria.

(Sunil Kumar Panwar, J)

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