

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38326 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- BAHERI District- Darbhanga

MD NASIR SON OF LATE ISARAIEL RESIDENT OF VILLAGE-
BAHERI, PS- BAHERI, DISTT- DARBHANGA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 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 366(A)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant alleged that her daughter, aged about 12 years, went to nature's call but she did not return. Thereafter, the informant came to know that her daughter has been abducted by the accused persons including the petitioner.

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. After recovery of the victim girl, she stated u/s 161 of Cr.P.C. vide para-26 of the case diary



that petitioner has not committed wrong with her. But she made contradictory statement u/s 164 of Cr.P.C., stated therein that the petitioner attempted to use force against her. There is no evidence in respect of commission of wrong by the petitioner. According to medical report, the same does not support the prosecution and doctor opined that there is no positive evidence to suggests commission of recent sexual intercourse with the victim. Moreover, the petitioner has got no criminal antecedent and languishing in judicial custody since 20.2.2023.

5. Learned APP appearing for the state has 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 period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Baheri P.S. Case No. 08 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO Act, Darbhanga.

(Sunil Kumar Panwar, J)

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