

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41464 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- CHANPATIA District- West Champaran

Afroz Ansari Son of Nasaruddin Ansari Resident of village - Kharg
Pokhariya, tola - Mishrauli, P.s. - Chanpatia, Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 366A/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

As per FIR, the allegation against the accused persons including this petitioner is that they enticed away the minor daughter of the informant aged about 14 years for illicit purpose.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There was love affair between the petitioner and daughter of the informant and she was in talking term with the petitioner for the last two years. Statement of the victim girl was recorded u/s 164 Cr.P.C. which is annexed with the case diary, in which she has stated that out of her own sweet will, she had



eloped with the petitioner and performed marriage. She has not raised any finger against the petitioner for any overt act and she also asserted that she want to go at her matrimonial home and lead the conjugal life with the petitioner. As per School Certificate of the victim girl which is annexed as Annexure-3 to the petition, she appears to have attained majority of 18 years. As per statement in para-3 of the petition, the petitioner has got not criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 10.04.2023.

Learned APP appearing for the state and learned counsel for the informant have 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 Chanpatia P.S. Case No. 733 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, West Champaran at Bettiah.

(Sunil Kumar Panwar, J)

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