

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46212 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- BAISI District- Purnia

Md. Rehan @ Md. Rehan Fazal @ Rehan @ Rehan Fazal S/O Late Fazlur Rahman R/O Village- Bairia, Ps. Baisi, Dist. Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366, 379 and 34 of the Indian Penal Code. Later on, charge sheet has been submitted under Sections 363, 366(A), 379 and 34 of the IPC. Cognizance has been taken under Sections 363, 366, 376 and 34 of the IPC, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006.

Allegation against the petitioner along with other co-accused person is that they came on motorcycle and forcefully took away the daughter of the informant when she went to attend the call of nature.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. It is further submitted that when the victim recovered, her statement was recorded under Section 164 of the Cr.P.C., in which she has not stated any complicity of the petitioner in this alleged offence rather she stated that she went with the co-accused person, namely, Md. Munna out of her own sweet will and he has already been granted bail by this Court vide Annexure-3 of this petition. Moreover, the petitioner is languishing in judicial custody since 26.05.2023.

Learned APP appearing for the state has 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 Baisi P.S. Case No. 240 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 Court (POCSO), Purnea.

(Sunil Kumar Panwar, J)

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