

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48535 of 2023

Arising Out of PS. Case No.-723 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Md Naushad S/O Md. Noor Alam Khan R/O Village- Simri Bastawara, Ps.
Simri Dist. Darbhanga At Present R/O Village- Dhobia Gali, North Of
Marwari School (ON The House Of Guddu Maternal Uncle) Ps. Nagar Dist.
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned

A.P.P for the State.

3. The petitioner has preferred this application for

grant of regular bail in connection with Muzaffarpur Town P.S.

Case No. 723 of 2022 dated 29.08.2022 registered for the

offences punishable under Sections 354D, 363 and 120B read

with 34 of the Indian Penal Code and 8 and 12 of the POCSO

Act.

4. As per the prosecution case, the petitioner and the



co-accused person are alleged to have kidnapped the minor daughter of the informant by enticing her who was recovered on 28.08.2022.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The victim in her statement recorded u/s 164 of the Cr.P.C has stated that she is friend of the petitioner and she went with the petitioner of her own will. It is further submitted that the victim was not forced to have illicit intercourse with another person. It is further submitted that the victim did not raise any alarm during their travel to Kolkata. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.07.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that victim is a minor girl.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Muzaffarpur in connection with Muzaffarpur Town
P.S. Case No. 723 of 2022, with the condition :-

(i) The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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