

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51772 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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MD. TABREJ @ TABREJ S/O SAFI AHAMAD @ SAFI AHMAD ANSARI
R/O PRAGATI NAGAR, JAMLA MASJID, P.S- NAGAR, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-12-2023 Heard the learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Motihari Nagar/Town P.S. Case No. 233 of 2023, registered for the
offences punishable under Sections 363, 366A of the Indian Penal
Code and Section 8 of the POCSO Act.

3. There is allegation against the petitioner that he
kidnapped the minor daughter of the informant.

4. The learned counsel for the petitioner has submitted
that the petitioner is a person of clean antecedent and has falsely been
implicated in this case. The alleged girl was recovered from the
house of the informant and she, in her statement recorded under 164
of the CrPC, has stated that she had love and affection with the



petitioner. She went with the petitioner with her own sweet will.

5. On the other hand, the learned APP for the State Sri J.N. Thakur and the learned counsel for the informant have opposed the prayer for bail and submitted that the victim is a minor girl of 14 years of age whereas the petitioner is a major one.

6. From perusal of the statement of the victim recorded under Section 164 of the CrPC, it appears that she herself came out from her house. None had called her and she went with the petitioner with her own sweet will. She has also mentioned in her statement that she had love and affection with the petitioner.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran, Motihari in connection with Motihari Nagar/Town P.S. Case No. 233 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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