

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51218 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- JADIA District- Supaul

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BIBI SAMEENA KHATOON @ SAMINA KHATOON W/O MOHAMMAD
AJIT Resident of village- Pandeypatti, Ward No- 08, P.S.- Jadia, District-
Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends her arrest in connection
with POCSO Case No.01 of 2022 arising out of Jadia P.S. Case
No.08 of 2022 instituted under Sections 363,366(A), 504, 506,
34 of the IPC, 8/17 of the POCSO Act and 3(1)(r)(s)/3(2)(va)
SC/ST Act.

As per the FIR, the informant alleged that his minor
daughter was not present in the home and after search, it came
to notice that one Md. Naushad has taken her away for the
purpose of marriage. Further, when he went to the house of Md.
Naushad allegation is that this petitioner and her husband
abused him. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that in a



matter of an alleged occurrence that took place on 15-12-20021, FIR was lodged on 05-01-2022. Further, the petitioner is the unfortunate mother of Md. Naushad who had nothing to do with the alleged so-called marriage between Md. Naushad and the informant's daughter. It is his last submission that the girl subsequently during her deposition before the court as prosecution witness no.1 clearly stated that she had left the place on her own with Md. Naushad and whatever she had stated before police it was under the influence of her family members. Further, it has been submitted that she claimed that she is 18 years of age and as such was major.

Learned APP on the other hand submits that the allegation is of kidnapping of the daughter of the informant. However, he concedes that the petitioner is the lady being mother of Md. Naushad.

Taking into account the aforesaid facts as also the inordinate delay in lodging of the FIR followed by the statement made by the victim girl during her deposition before the court as prosecution witness no.1, the petitioner being a lady and having no criminal antecedent, this Court is inclined to grant her relief.

Let the petitioner be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with POCSO Case No.01 of 2022 arising out of Jadia P.S. Case No.08 of 2022 to the satisfaction of learned Additional District & Sessions Judge, Vith- cum-Special Judge, POCSO Act, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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