

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54041 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- PARASBIGHA District- Jehanabad

MD. GULSHAN @ MD. GULFAM S/O LATE MD. LUTAN MIAN @
LATE IMTIAZ R/O SHAKURABAD, P.S- SHAKURABAD, DISTT.-
JEHANANBAD.

... .. Petitioner/s

Versus

The State of Bihar,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with POCSO Case No, 45 of 2023 arising out of Parasbigha P.S, Case NO. 99 of 2023 registered under Sections 4363, 366A, 376 and 34 of the Indian Penal Code and under Section 4/8 of the POCSO Act lodged on 17.03.2023 by the informant.

As per the prosecution story, the informant alleged that her daughter left home for visiting Training centre where she used to get stitching course. As she failed to return, the informant had strong suspicion that the petitioner had kidnapped her for marriage. Accordingly, the FIR.

It is the case of the petitioner that the girl returned, her



age has been assessed as 18 years. In her further statement under Section 164 of the Cr.PC., she has stated that she went to Gaya on her own and from there, she went to Kolkata and she did not had any physical relationship with the present petitioner. Once she came to know about the FIR, returned on 17.03.2023.

Learned APP for the State opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner, materials on record as also the statement of the victim girl, her age has been assessed as 18 years, the petitioner is in custody since 19.03.2023 (as stated in paragraph -1 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VI -cum- Special Judge, POCSO Act, Jehanabad in connection with POCSO Case No. 45 of 2023 arising out of Parasbigha P.S. Case No. 99 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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