

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57990 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- KESARIA District- East Champaran

Md Kamal @ Md Kaamal Son Of Late Mansur Ahamad @ Mansoor Alam @
Md. Mansoor Alam Resident Of Village- Rampur Kodar, P.S.- Kesariya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abbhishek Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant
of regular bail in connection with Kesariya P.S. Case No. 242 of
2022 registered under sections 366A and 34 of the Indian Penal
Code and Section 8/12 of the POCSO Act.

Allegation against the petitioner and other co-accused
persons is that when the daughter of the informant went to attend
nature call, in the meantime, they kidnapped her daughter with
intention to marry.

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
there is inordinate delay of about two days in lodging the F.I.R
and there is no explanation of the same. The statement of the



victim was recorded under Section 164 of the Cr.P.C. in which she does not whisper any complicity about the petitioner rather she went with him out of her own sweet will. She further stated that petitioner has not committed any wrong with her and also did not say anything against the petitioner in respect of the commission of offence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 10.06.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kesariya P.S. Case No. 242 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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