

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58714 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- ARER District- Madhubani

Md. Husain @ Md. Husain Sah S/O Md. Yasin @ Aashin Sah Resident Of
Village- Bijalpur (Sah Tola), P.S.- Arer, District- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 363, 366(A), 120(B)
of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution case in nutshell is that
petitioner along with other co-accused persons have
abducted the daughter of informant for solemnization of
marriage.

It is submitted by learned counsel for the
petitioner that the petitioner is innocent and he has



falsely been implicated in the present case. There is an inordinate delay of 4 days in lodging the F.I.R. It is further submitted that victim has left her home with her own sweet will. The victim has not made any allegation against the petitioner in her deposition. A statement has been made in para 14 of the petition that victim has stated, in her statement under Section 164 of Cr.P.C., that she was in love with the petitioner but now she does not love him and wants to live with her parents. There is no any sign of sexual assault found at the time of examination of the victim. Moreover, the petitioner is languishing in judicial custody since 09.11.2021. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody,



this Court is inclined to enlarge the petitioner on bail.

The above named petitioner is directed to be enlarged on bail in connection with Arer P.S. Case No. 95 of 2021 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 Additional Sessions Judge VII-cum-Special Judge, (POCSO Court), Madhubani.

(Sunil Kumar Panwar, J)

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