

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61238 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- ABADPUR District- Katihar

Belal @ Md. Belal @ Hajrat Belal S/o Handle @ Md. Alam R/o village-
Damdaliya, P.S.- Abadpur, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Abadpur P.S. Case No. 35 of 2022 registered for the offences punishable under Sections 363, 366(A), 376 and 120(B)/34 of the Indian Penal Code and Sections 4/17 of POCSO Act.

As per the prosecution, the informant's minor daughter aged about fifteen years was kidnapped by this petitioner along with co-accused persons.

The main submissions advanced by Mr. Ajit Kumar Singh, learned counsel for the petitioner are that the petitioner

has fair and clean antecedent and has been languishing in jail since 18.04.2022 and the victim has been recovered and she has recorded her statement under Section 164 as well as 161 of Cr.P.C. in which she flatly denied the allegation of the FIR and accepted her love affair and matrimonial relationship with this petitioner.

Mr. Ram Sevak Choudhary, learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the victim's statement recorded under Section 164 of Cr.P.C. which completely goes against the allegation in the FIR, in my view the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Abadpur P.S. Case No. 35 of 2022.

(Shailendra Singh, J)

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