

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72144 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- KASBA District- Purnia

Md. Shahbaz @ Md. Shahnawaz @ Shahnawaz Son Of Md. Shamim R/O-
Garhbanaili, Lakhkhi Tola, P.S.- Kasba, District- Purnea-854325

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 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 connection with Kasba P.S. Case No. 319 of 2021 registered under sections 363, 366(A) and 34 of the Indian Penal Code after that charge sheet has been submitted under Section 363, 366(A), 376, 120B of the IPC and 4/6 of POCSO Act.

Allegation against the petitioner is that they abducted the daughter of the informant from his house with the help of other co-accused persons either for the purpose her murder or for the purpose of illegal activity.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to village politics. It is submitted that the victim was recovered and the statement of the victim was recorded under Sections 161 as well as 164 of the Cr.P.C., in which there was some contradiction in her statement which is mentioned in the case diary of this petition. From the statement of the victim, it is apparent that the petitioner has not committed any sexual abuse with the victim. It is also submitted from medical report that there is no any sexual assault committed by the petitioner and no any marks of injury were seen on the body of the victim. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 06.07.2022.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kasba P.S. Case No. 319 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-V-
Cum-Special Judge, (POCSO), Purnea.

(Sunil Kumar Panwar, J)

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