

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66011 of 2022**

Arising Out of PS. Case No.-173 Year-2022 Thana- SITAMARHI District- Sitamarhi

SADDAM ANSARI @ MD. SADDAM ANSARI Son of Tabarak Hussain @
Tabarak Ansari Resident of village - Bhairo Kothi Lichi Bagan Ward No.- 1,
P.S. - Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 173 of 2022 dated 11.03.2022
registered for the offence under Sections 363, 366A and 34
of the Indian Penal Code and Section 8 of the POCSO Act.

The minor daughter of the informant is alleged to
have been kidnapped by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner happens to be brother of
the co-accused, Md. Kalam with whom the victim was having



love affairs and on account thereof both of them have performed marriage on 09.03.2022 to each other and since then the victim has been residing with the brother of the petitioner. Therefore, no case of abduction is made out against the petitioner. The petitioner is rotting in judicial custody since 31.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6th -cum- Special Judge (POCSO Act), Sitamarhi in connection with Sitamarhi P.S. Case No. 173 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be the victim, namely, Khusboo Kumari @ Rukshar.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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