

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71547 of 2022

Arising Out of PS. Case No.-477 Year-2022 Thana- SIWAN CITY District- Siwan

Ahmad Hussain S/O Yaqub Mansuri @ Mohammad Yaqub R/O Bahuara, P.S-
Barharia, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajat Kumar Tiwary, Advocate

: Mr. Deepika Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Siwan
P.S. Case No.477 of 2022 registered for the offence under
Sections 363 and 366(A) of the Indian Penal Code and later on
Sections 8/17 of the POCSO Act was added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.09.2022.

The allegation as per F.I.R. that minor daughter of the
informant aged about 16 years went on her own for some
undisclosed destination, where it is alleged that she usually
received call from mobile no. 8797857024. Minor daughter of



informant/victim recovered with petitioner in Delhi.

Learned counsel appearing on behalf of the petitioner submitted that after recovery of minor daughter of informant her statement was recorded before Metropolitan Magistrate, Saket Court, New Delhi, where she specifically stated that she came to Delhi on her own and living with petitioner out of her own will. It is submitted that from the statement of minor daughter of informant allegation of kidnapping and sexual assault cannot be gathered. It is submitted that even it is doubtful whether the alleged mobile number as mentioned in the F.I.R. belongs to this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation of kidnapping and sexual assault is not available against this petitioner as per statement of victim recorded u/S 164 of the Cr.P.C., who is a man of clean antecedent coupled with the fact that charge-sheet has already



been submitted, let above named petitioner is directed to be released on bail in connection with Siwan P.S. Case No.477 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 Special Judge, POCSO, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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