

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73630 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- GHORASAHAN District- East
Champaran

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ANWAR ALAM SON OF KHALIL MIYAN RESIDENT OF VILLAGE-
AMAWA, WARD NO 7, P.S.- JHAROKHAR, DISTRICT- EAST
CHAMPARAN AT MOTIHARI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Ghorasahan P.S. Case No. 633 of 2022 for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code and section 8 of POCSO Act lodged on 19.11.2022 by the informant, Guddu Kumar.

3. As per the prosecution story, the informant has alleged about the kidnapping of the victim girl and the accusation has been made against this petitioner.

4. Learned counsel for the petitioner submits that subsequently the girl returned and under section 164 of the Cr.P.C. she claimed to have gone with the petitioner on her own to Bangalore where she married him. He further submits that the



medical report shows that she was major being between 18-20 years.

5. Learned APP opposes the prayer stating that a minor girl was taken away by the petitioner and thus opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that the girl who has been opined to be 18-20 years of age upon return has made statement under section 164 of the Cr.P.C. that she went on her own to Bangalore and subsequently married the petitioner, he has remained in custody since 19.6.2023 (para-13 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned VIth Additional Sessions Judge-cum-Special Judge (POCSO) Act, East Champaran at Motihari, in connection with Ghorasahan P.S. Case No. 633 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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