

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5668 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Ahasan Khan S/o Late Sikandar Ali R/o vill - Banarpur, P.S. - Buxar (M),
Dist. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Buxar (Muffasil) P.S. Case No. 214/2023 instituted under Sections 363, 366(A)/34 of the Indian Penal Code and 8 of POCSO Act lodged on 11.5.2023 by the informant, Suresh Kumar Mehra.

3. As per the prosecution story, the informant alleged that his daughter had gone to attend marriage ceremony in neighbour's house but later was kidnapped by the accused persons. Accordingly, the FIR. Subsequently, the victim girl was recovered and she made statement under section 164 of the Cr.P.C. in which she narrated that she was forced by the petitioner to go with him to Mumbai, she never protested nor tried to escape. As she fell ill, she came to the house of the



petitioner where the police came. Though the petitioner managed to escape, the lady police took her into custody.

4. Learned counsel for the petitioner submits that a perusal of the said statement would show that neither she was forced to go nor anything wrong committed against her.

5. Learned APP opposes the prayer stating that the girl is minor.

6. Though, the girl is minor, she has not alleged any force upon her and further on her own she has made statement that at no point of time, she protested or made a cry or tried to draw attention to others while going to Mumbai or even staying there as also when she returned to the petitioner's home, the FIR lodged, the petitioner will be facing trial, he is 21 years and do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Buxar (Muffasil) P.S. Case No. 214/2023 to the satisfaction of learned Additional Sessions Judge 6th cum Special Court, POCSO Act, Buxar



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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