

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5830 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- NAANPUR District- Sitamarhi

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AHMAD SHAH @ AHMAD ALI SON OF FARUKH SHAH R/O-
BANAUL, PANCHAYAT BALUYAHA TOLA WARD NO. 12, P.S.-
NANPUR, DISTT.-SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Nanpur P.S. Case No.13/2023 instituted under Sections 363, 366(A)/34 of the Indian Penal Code and section 8 of POCSO Act lodged on 3.1.2023 by the informant, Rajendra Baitha.

3. As per the prosecution story, the informant alleged that the minor daughter was taken away by the petitioner for the purpose of committing murder or illegal act. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the girl subsequently returned and she has made statement under section 164 of the Cr.P.C. denying the allegation made by her



father rather she has stated that she tied nuptial knot with him and are continuing as a couple.

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

6. This Court has gone through the order-sheet of the learned Sessions Judge in which the aforesaid fact that has been submitted by the learned counsel for the petitioner has been incorporated, FIR has been lodged, the petitioner will be facing the trial, he has no criminal antecedent and in view of the said statement of the victim girl, this Court is inclined to extend him the 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 Nanpur P.S. Case No.13/2023 to the satisfaction of learned A.D.J.-VI, cum Special Judge (POCSO) Act, Sitamarhi 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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