

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7921 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- SAUR BAZAR District- Saharsa

Md. Tavish @ Md. Tabish SON OF MD. GAIS VILLAGE -LAHOUNA
PASTPAR PS -SAUR BAZAR DISTRICT -SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363(A), 363, 365, 506 and 34 of the Indian Penal Code and Sections 6 and 8 of the POCSO Act.

3. The allegation against the petitioner is that he abducted minor daughter of the informant while she was going to Middle School, Pastpar for her studies.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The F.I.R. has been lodged after the delay of 4 days without giving any



explanation. From perusal of the impugned order, it appears that victim girl was recovered and her statement was recorded u/s 161 as well as 164 of Cr.P.C. wherein she has stated that she was in love with this petitioner since 1.5 years and she wanted to marry him and information in this regard was given to her family members but family did not agree to this then she called the petitioner and went to Delhi with him and then came to Purnea where she solemnized marriage with the petitioner. She has not raised any finger against the petitioner for any overt act. The victim stated her date of birth is 01.01.2008 in her deposition whereas her date of birth in school records as well as in Aadhar Card is different so her age cannot be ascertained. Petitioner has got no criminal antecedent. 'It is further submitted that petitioner has surrendered before court below on 30.10.2023 and since then he is languishing in judicial custody.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as



well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saur Bazar P.S. Case No. 388 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO, Saharsa.

(Sunil Kumar Panwar, J)

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