

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8587 of 2024

Arising Out of PS. Case No.-57 Year-2022 Thana- DUMRA District- Sitamarhi

Md. Nausad Rain Son Of Ajim Rain @ Azim Rain Resident Of Village-
Marpa Kachor Ps- Kanhauli, Distt- Sitamarhi At Present At Village-
Talkhapur, Ps- Dumara, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dumra P.S. Case No. 57/2022 lodged on 09.02.2022 under
Sections 363, 366A of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons and one user of a
mobile number with an allegation of kidnapping the minor
daughter of the informant with an ulterior motive.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR rather his name has figured in
the course of the investigation. Moreover, on recovery of the
victim girl her statement under Section 164 Cr. P.C. has been
recorded wherein she has disclosed that she has not been



kidnapped rather she went with her own sweet will. The victim further stated that she has performed marriage with the petitioner with her own sweet will and she wants to go with her mother-in-law. The medical report of the victim is also attached which suggests that the victim has refused for medical examination. The petitioner is in custody since 28.09.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail but submits that in 164 Cr. P.C. statement the victim has not made an allegation against anyone.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 6th cum Special Judge (POCSO Act) Sitamarhi, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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