

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12098 of 2024

Arising Out of PS. Case No.-595 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Azad Alam, Male, aged about 21 years, Son of Fajali Miya, Resident of
village - Maldahiya (Aareraj), P.S. - Paharpur, District - East Champaran,
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ghorasahan PS Case No. 595 of 2023 instituted for the offences
punishable under Sections 363, 366A/34 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. As per the prosecution case, it is case of abduction
of the minor daughter of the informant by the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case merely on the basis of dirty
village politics. Petitioner is not present at the place of
occurrence. He next submits that the date of occurrence is
07.10.2023 and the FIR was lodged on 13.10.2023 after a delay



of five days and there is no plausible explanation in this regard.
Petitioner is in custody since 18.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned 6th Additional Sessions Judge,- cum-Special Judge, POCSO Act, East Champaran Motihari, Bihar dated 06.01.2024, it appears that petitioner has got no criminal antecedent as stated in para 3 of the petition. The Investigating Officer has submitted final report with respect to the petitioner on the ground of inadequate evidence but the learned trial Court differ with the opinion and took cognizance against the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POSCO Act, East Champaran, Motihari in connection with Ghorasahan PS Case No. 595 of 2023.

(Ramesh Chand Malviya, J)

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