

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17037 of 2024

Arising Out of PS. Case No.-765 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Md. Asim @ Md. Aashim S/o Md. Abdul Jabbar R/o Vill - Dhobopur,
Bansara (Dhobupur, Bansara), K-Baikunth, Baheri, Ward No. - 01, P.S. -
Hayaghat, Dist. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Munna Kumar Son of Arun Prasad R/O Vill./Mohalla- Mungeriganj ward
no.32, P.S.- Town, Dist.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 30-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Town P.S. Case No. 765
of 2023 dated 14.12.2023 registered for the offences punishable
u/ss 363 of the Indian Penal Code and later on Sections 366A
and 376 of the Indian Penal Code and Sections 4,6 and 8 of the
POCSO Act have been added.

3. As per the prosecution case, the informant's daughter
was kidnapped by unknown miscreants.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the F.I.R. The occurrence took place on 10.12.2023 but the F.I.R. was lodged on 14.12.2023 after a delay of 4 days without any explanation. There was love affair between the victim and the petitioner. It is further submitted that there is nothing on record which shows that the victim was forced to have illicit intercourse with another person. As per the medical report of the victim, there is no recent sign of sexual assault on the body of the victim. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in POCSO Case No. 03 of 2024 in connection with Town P.S. Case No. 765 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which



on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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