

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20410 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- SITAMARHI District- Sitamarhi

Md Kalam @ Kalamuddin Ansari @ Md Kalamuddin Ansari Son of Tabarak Ansari @ Tabarak Hussain Resident of vill.-Bhairi Kothi Lichi Bagan Ward No.1, P.S.-Sitamarhi, 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.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-05-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sitamarhi P.S. Case No. 173/2022 instituted under Sections 363, 366A, 34 of the Indian Penal Code and 8 of the POCSO Act lodged on 11.3.2022 by the informant, Suresh Ray.

3. As per the prosecution story, the informant, Suresh Ray gave written information on 11.3.2022 to the Officer in charge of Sitamarhi Town Police Station alleging therein that his daughter aged about 16 years was kidnapped with bad intention. He further alleged that his daughter is mentally weak and on 7.3.2022 at 7 P.M., she left the house to attend the nature's call but she failed to return. In the next morning, he received information that Md. Tula, Md. Tafijul Sheikh, Mehsaulwali,



Md. Kalam, Saddam Ansari, Siriya Khatoon Md. Samsheer, Thagiya Khatoon, Md. Abdulla Sabir and Md. Tarbej have sent his daughter to Md. Kalam who used to purchase and sell the girl.

4. Learned counsel for the petitioner submits that though the allegation is there against him, the girl subsequently made statement under section 164 of the Cr.P.C. denying the said allegation. He lastly submits that another accused Saddam Ansari has been extended the privilege vide Cr. Misc. No. 66011 of 2022 on 28.4.2023. He further submits that they are happily married and residing together.

5. Learned APP opposes the prayer.

6. In the changed circumstances as also the fact that the learned Sessions Judge has observed in his order while rejecting the petition that the victim girl has denied the allegation under section 164 of the Cr.P.C., this Court is inclined to extend him privilege of provisional bail with the condition that he shall appear before the concerned Court within a period of four weeks alongwith the victim girl with her official documents issued by the Central/State Government to show her bona fide.

7. In case, the victim girl and the petitioner appear



before the Court concerned and the petitioner surrenders within the aforesaid four weeks, the Court concerned after checking credential and after inquiring with the concerned victim girl and on satisfaction shall confirm the bail.

8. Let the petitioner be released on provisional bail for a period of four weeks, 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 Sitamarhi P.S. Case No. 173/2022 to the satisfaction of learned Additional Sessions Judge-6th 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)

Ravi/-

U		T	
---	--	---	--

