

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30385 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- BALIA BELON District- Katihar

Md. Danish Raza @ Md. Danidsh Rza son of Md. Nafis Alam Vill- Sikarpur,
PS- Balia Belon Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Noor Islam, aged about 37 years (Male), S/o Late Golam Yasin, R/o Vill. Sikarpur, P.S. Baliya Belon, Dist. Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghvendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the O.P. No.2	:	Mr. Ajit Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 21-10-2024 Heard learned counsel for the petitioner and learned APP for the State as also counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Baliya Belon P.S. Case No. 86 of 2023 instituted for the offences under Sections 363, 366(A), 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the accusation against the petitioner is of taking away the minor victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



due to ulterior motive. He further submits that the date of occurrence is 23.06.2023 but, the F.I.R. was lodged on 03.07.2023 i.e. after an inordinate delay of ten days without there being plausible explanation for such delay. He further points out that soon after the occurrence, the petitioner solemnized marriage with the victim on 27.06.2023 and after lapse of five months, the victim died on 10.11.2023. There is a contradiction as with regard to the age of the victim as in the charge-sheet, her age was 17 years and 6 months and in the inquest report, the age of the victim is 21 years. In the statement of the victim girl made under Section 161 Cr.P.C., she has stated about there being love affairs between them and has gone with the petitioner on her own sweet will and has not made any specific allegation of any overt act against the petitioner. Both the parties were consenting parties. Nothing adverse has also come in the medical report as no external or injury injury has been found on her private parts. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.07.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is heinous



in nature as there is specific allegation against the petitioner of taking away the victim girl. The victim girl has also supported the occurrence of taking her away in her statement recorded under Sections 161 and 164 Cr.P.C. The medical report also corroborates the prosecution case. Charges has been framed against the petitioner for offence punishable under Sections 363, 366(A), 376 of the I.P.C. and Section 4 of the POCSO Act and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Baliya Belon P.S. Case No. 86 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

