

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24380 of 2024

Arising Out of PS. Case No.-502 Year-2023 Thana- OBRA District- Aurangabad

Jabid Ansari @ Jawed Alam S/o Md. Jamil Ansari R/o vill - Mahasi, P.S. -
Obra, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Paswan S/o Sarju Paswan R/o vill - Mahasi, P.S. - Obra, Distt. -
Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Shailesh Kumar Singh, learned counsel for
the petitioner and Mr. Shailendra Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
02.01.2024 in connection with Obra P.S. Case No. 502 of 2023,
F.I.R. dated 29.12.2023 for the offences punishable under
Sections 365 and 366(A) of the Indian Penal Code but the police
have submitted charge sheet under Sections 365 and 366-A of
the Indian Penal Code and Section 12 of the POCSO Act.

3. According to prosecution case, the petitioner along
with other co-accused abducted the daughter of the informant. It
is also alleged that they also tried to abduct his daughter in the



past also.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegations as alleged in the F.I.R are false and fabricated and the petitioner has not committed any offence as per the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has not abducted her. Apart from that she has refused for her medical examination. It is further submitted that police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.01.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the victim has not stated anything about the petitioner with regard to the allegation alleged in the F.I.R, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI Aurangabad- cum



Exclusive Special Judge POCSO Act, Aurangabad in connection with Obra P.S. Case No. 502 of 2023, subject to the following conditions:-

- i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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