

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30051 of 2024

Arising Out of PS. Case No.-17 Year-2022 Thana- BABUBARHI District- Madhubani

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Md. Amanullah @ Raja Son of Md. Tahir Resident of Village- Mauahi Tole-
Navtoli, P.S.- Babubarhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Namrata, Adv.
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Shailendra kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Babubarhi P.S. Case No. 17 of 2022, lodged on 25.01.2022 under Sections 341, 342, 354(A), 366(A), 504, 506, 509, 34 of the Indian Penal Code read with sections 8, 12 of the POCSO Act.

3. As per the prosecution case, FIR has been lodged against four named accused persons including the present petitioner against whom there is an allegation that they have kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that from the allegation in the FIR, it is apparent that the alleged occurrence took place on 22.01.2022 at about



03.00 A.M, but the FIR has been lodged on 25.01.2022 about which there was no explanation made. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are two criminal cases pending against him in which in both the cases, he is on bail. The petitioner is in custody since 22.02.2024 in the present case.

5. Learned counsel for the petitioner further submits that statement of the victim under section 164 Cr.P.C. has been taken on 16.02.2022 whereas, from the materials on record, it becomes crystal clear that the alleged victim has returned on 22.01.2022. Counsel further submits that informant and petitioner's side both are relatives and the victim and the petitioner are cousins. Counsel submits that case diary has been called for by which the alleged victim has disclosed before independent witnesses that she herself went and returned in the evening. Counsel further put emphasis that in the statement under section 164 of the Cr.P.C, the victim has not alleged any wrong against anyone and the victim girl was returned back on the date of occurrence itself, but the FIR was lodged later on and subsequently, evidence has been taken place after about 23 days.

6. Learned APP for the State opposes the prayer for



bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that due to interference of the local *sarpanch*, there was delay of filing the FIR.

8. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that she is not aware that whether charge has been framed or not.

9. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani in connection with Babubarhi P.S. Case No. 17 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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