

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29973 of 2024

Arising Out of PS. Case No.-790 Year-2023 Thana- MUFFASIL District- West Champaran

Samid Hussain @ Saamid Hussain @ Shamid Husaon @ Samid Husain Sonof Akhtar
Dewan @ Akhtar Devan Resident of Village- Bishanbarpur, P.S.- Muffasil, Dist.- West
champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Khusbun Khatoon @ Khushabun Nesha Wife of Majhar Ansari Resident of Village-
Vishambharpur, P.S.- Bettiah Muffasil, Dist.- West Champaran

... .. Opposite Party/s

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

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

ORAL ORDER

2 29-04-2024 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 Bettiah Muffasil P.S. Case No.
790 of 2023 dated 07.12.2023 registered for the offences
punishable u/ss 363 and 366A read with Section 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged
to have kidnapped the minor daughter of the informant for the
purpose of marriage.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. There is a delay of 7 days in lodging the F.I.R. without any
explanation which creates doubt upon the prosecution case. The
victim in her statement recorded under Section 161 of the Cr.P.C.



has stated that she was in love with the petitioner and also made physical relationship with him. She wanted to solemnize marriage with him but her parents were not ready in favour of the said marriage and they used to scold her for this act due to which she fled away with the petitioner. There was a love affair between the victim and the petitioner and the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.01.2024.

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, West Champaran, Bettiah in connection with Bettiah Muffasil P.S. Case No. 790 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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