

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60445 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- KEWATI District- Darbhanga

Md Akbar Naddaf, S/o Md Juhi Naddaf @ Md Juhi, R/O Village/Mohalla-
Barhi, P.S- Keoti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi, W/O Lal Sahni, R/O Village- Barhi, P.S- Keoti, Distt.-
Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Keoti P.S. Case No. 144 of 2024 registered for the offences punishable under Sections 363/366A of the Indian Penal Code and Sections 7/8 of the Protection of Children from Sexual Offences Act (hereinafter referred to as ‘the POCSO Act’).

3. Allegation against the petitioner is of kidnapping the minor daughter of the informant for illegal purpose on 06.05.2024. In course of search, on 10.05.2024, the police recovered the victim girl with the petitioner.

4. Learned Advocate for the petitioner drawing the



attention of this Court to the F.I.R. contended that the alleged occurrence took place on 06.05.2024 and when the petitioner has brought the girl of the informant to her house, he was apprehended by the police. It is further contended that during the course of investigation, statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she herself left her house and went to Delhi, where she stayed with one unknown lady. Later on, this petitioner has brought her to the village from where the police apprehended both of them. The statement of the victim clearly suggests that the petitioner was neither instrumental in taking away the victim nor he induced or made any force and, as such, no offence as alleged in the F.I.R. is made out. There is no whisper in the statement of the victim that the petitioner has committed any wrongful act with her. During the course of Medical examination, the age of the victim has been assessed in between 16-17 years.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught red handed with the victim girl, who was a minor and there are various other materials suggesting the complicity of the petitioner in the crime.



6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C. wherein she has not made any allegation of inducing her or using any force, coupled with the delay in lodging of the F.I.R. as well as the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO), Darbhanga in connection with Keoti P.S. Case No. 144 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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