

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53326 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

SHANU @ SHANU NADIM SON OF NABIL AHMAD HAIDRI
RESIDNET OF VILLAGE- BRAHMPURA, PS- SARAIYA, DISTT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Shaheen Begum

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

ORAL ORDER

3 13-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Town P.S. Case No. 140 of 2023, for the offences punishable under Sections 363, 366A, 370, 354/34 of the Indian Penal Code and section 8/12 of the POCSO Act.

3. As per the prosecution case, the co-accused Md. Ajaj along with some unknown persons forcibly kidnapped the minor daughter of the informant and fled away by a vehicle. On the same day, Patna Airport Police Station arrested the co-accused Md. Ajaj and the kidnapped daughter was hand over to the informant. The informant's father has further stated that the



co-accused Md. Ajaj was accompanied by two unknown boy and a girl who committed sexual assault with her in the vehicle. They kidnapped her with a view to either marry or to sell her. It is further alleged that Md. Ajaj used to sexually harass her while the informant's daughter used to go to school. It is also alleged that photo and video in the phone of the co-accused, Md. Ajaj shows that he had done such act before other girls.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent mentioned in para 3 of the bail application. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confessional statement of the co-accused Md. Ajaj. There is no specific overt act alleged against the petitioner. The specific allegation of sexual assault is against the co-accused Md. Ajaj.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the victim is a minor girl. She in her statement has stated the name of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the



event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Muzaffarpur in connection with Town P.S. Case No. 140 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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