

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41788 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- KURTHA District- Jehanabad

Md. Nabab Ansari @ Nawab Ansari Son of Late Israil Ansari @ Md. Israil
Ansari R/O Vill.- Dhondhara, P.S.- Kurtha, Dist.- Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar PATNA
2. Sukdev Paswan Son of Late Etvar Paswan R/O Vill.- Gangapur, P.S.-
Kurtha, Dist.- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv
For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The petitioner seeks regular bail in connection with
Kurtha P.S. Case No. 187/2023 (Special POCSO Case No.
50/2023) lodged on 07.06.2023 under Sections 366(A) of the
Indian Penal Code and Section 8 and Section 12 of the POCSO
Act.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner with an allegation that he had
kidnapped the minor 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 the victim girl has been recovered and in her statement under Section 164 of the Cr.P.C., she has disclosed that the petitioner was not responsible for alleged crime and due to this reason the entire prosecution story falsifies. He further submits case diary has been called for and upon perusal of the case diary, it transpires that the petitioner has not committed any offence. He further submits that antecedent of the petitioner is not clean there is one cases pending against him as Kurtha P.S. Case No. 27 of 2024 which was lodged by the same informant with the same allegation in which he is on bail. The petitioner is in custody since 15.01.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner at the time of adducing statement under Section 164 of the Cr.P.C. is minor. He further submits that the petitioner against whom there is an allegation of kidnapping is already married having three kids. He further submits that as the victim is a minor girl, not only Section 336A of the I.P.C has been added rather POCSO Act has also been added.

7. In the present facts and circumstances of this Court



is not inclined to grant bail to the petitioner. As such, the bail application of the petitioner is hereby rejected with liberty to the petitioner that he may renew his prayer for bail one year from the date of taking cognizance.

(Dr. Anshuman, J)

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