

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49576 of 2024

Arising Out of PS. Case No.-116 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Md. Idrish @ Md. Idrish Rain Son of Md. Thakai, Resident of Village - Brahampura, P.S. - Phulparas, District - Madhubani.
 2. Md. Farid @ Md. Farid Alam Son of Md. Idrish @ Md. Idrish Rain, Resident of Village - Brahampura, P.S. - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Minnatulla Son of Kashim Rain Resident of Village - Brahampura, P.S. - Phulparas, District - Madhubani.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No.116 of 2022 arising out of Phulparash P.S. Case No.192 of 2022 instituted under Sections 363, 366(A) of the Indian Penal Code and Section 8 of POCSO Act.

3. As per the prosecution case, the petitioners alongwith other co-accused persons kidnapped the minor daughter of informant for the purpose of marriage.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. He further submits that the victim in her statement recorded under Section 164 of Cr.P.C. has clearly stated that no one has kidnapped her, rather she herself had gone to her maternal uncle's (*Mama*) house. Learned counsel submits that after investigation the Police has found the case to be untrue and the Investigating Officer has submitted final form, however, on protest petition filed on behalf of informant the cognizance has been taken in this case by the learned Court. He further submits that petitioner has no criminal antecedent and there is no chance of any tampering of the prosecution evidence or absconding the petitioner. The petitioners undertake to cooperate in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Additional Sessions Judge 7th, cum Special Judge (POCSO Court), Madhubani in connection with Complaint Case No.116 of 2022 arising out of Phulparash P.S. Case No.192 of



2022, subject to the conditions laid down in Section 438(2) of
the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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