

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54365 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- Kalibagh District- West Champaran

Salim Khan S/o Md. Samim R/o vill - Ahmodnagar, Gorakhpur Uttar Pradesh,
P.S. - Gorakhnath, Distt. - Gorakhpur (U.P.) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Arun Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP
For the informant : Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-11-2024 Heard Mr. Arun Kumar Sinha, learned counsel for
the petitioner and Mr. Sanjeev Kumar, representing the
informant as also the learned APP for the State.

2. The petitioner is in judicial custody in connection
with Kalibagh P.S. Case No. 03 of 2024 for the offence
punishable under Sections 363, 366(A) of the Indian Penal
Code and section 8 of POCSO Act lodged on 12.03.2024 by the
informant, Meera Devi.

3. As per the prosecution story, the informant alleged
that her daughter went to the grocery shop but failed to return
and despite search, could not locate her and apprehending
kidnapping, the FIR. Subsequently, it came to light that the girl
is with the petitioner, Police went to the place and the petitioner
was arrested, is in custody since 19.3.2024 (para-6 of the
petition).

4. In this case, the coordinate bench had called for the



case diary and the statement of the victim girl which is on record.

5. Learned APP has taken this Court to the statement of the victim girl in which she has made statement that she had got conversation with her father after which she went to Gorakhpur where her boy friend (the petitioner herein) was residing. Further, through her phone location, the Police alongwith the father came to Gorakhpur and took her with them. It is her further statement that she had forced the petitioner to take her to Gorakhpur.

6. Learned counsel for the informant submits that a perusal of the statement would show that she was minor at that time.

7. Having heard the parties as also perusing the record, though the girl is minor, she has stated that she went to Gorakhpur on her own, has not alleged anything wrong against this petitioner, is in custody since 19.3.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned learned Special



Judge POCSO cum ADJ-VI, West Champaran, Bettiah, in connection with Kalibagh P.S. Case No. 03 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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