

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51917 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- NAUTAN District- West Champaran

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Anjunara Khatun @ Anju Nesa Khatoon Wife of Ekram Devan R/O Village - Mangalpur Kala Bin Toli, Ward No.- 8, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Chhotelal Sah (Symbolic name of the mother of the victim), R/O Village - Nautan, P.S.- Nautan, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s :	Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the Informant.

02. In the present case, the petitioner is apprehending his arrest in connection with Nautan P.S. Case No. 133 of 2024, registered 27.03.2024, for the alleged offence under Sections 363, 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

03. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner and other co-accused persons with intention of marriage or to sell her. The informant has named the petitioner for also being involved in the kidnapping.



04. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implication in this case. From the FIR to the statement recorded under Section 164 of the Cr.P.C. of the victim, it appears that the petitioner is being implicated in this case only to save someone. The involvement of the petitioner appears to be without any motive since by the version of the victim, this petitioner administered her intoxicating substance and she lost consciousness and she was taken to Delhi. If the petitioner has any motive, the victim girl would not have left to the railway station by one of the miscreants. The petitioner is a lady and she has clean antecedent. As the victim was not forced to do any act against her will and was not subjected to any sexual exploitation, the involvement of the petitioner becomes highly improbable.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP for the State submits that the informant named this petitioner in the FIR and thereafter, the victim in her statement recorded under Section 164 of the Cr.P.C. named this petitioner who gave her something to eat which made her unconscious and thereafter, she was taken to Delhi.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the doubtful nature of allegation made against this petitioner and further considering possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO -cum- ADJ 6, Bettiah, West Champaran/court concerned in connection with Nautan P.S. Case No. 133 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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