

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54383 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- SIKARPUR District- West Champaran

SADDAM HUSSAIN @ SADDAM MIYAN S/O KAMRUL MIYAN @
KAMRUL MIYA @ KAMRUL HAK MIYAN R/O VILLAGE-
CHENGAUNA, P.S- SHIKARPUR, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in Shikarpur P.S.
Case No. 319 of 2022 registered for the offences punishable
under Sections 363, 366A, 504, 34 of the Indian Penal Code
and under Sections 8 & 12 of POCSO Act.

3. Allegedly, all the accused persons including the
petitioner are said to have kidnapped the informant's daughter
forcefully.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged ever took place. He has been
falsely implicated in this case due to ulterior motive. The
allegation levelled against the petitioner is totally false and



based on concocted facts. The real fact is that the victim, being major and mature girl, as it is also evident from her birth certificate, left her house with her sweet will due to love affairs with the petitioner. The statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not supported the allegations levelled against the petitioner regarding kidnapping and sexual assault. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case as well as considering the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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