

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59508 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- PARIHAR District- Sitamarhi

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Ajmal S/O Late Md Kabir R/O Village- Siswa, Ps. Parihar, Dist. Sitamarhi
... .. Petitioner/S

Versus

The State Of Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-01-2024 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Parihar P.S. Case No. 51 of 2023 dated 01.03.2023, registered for the offence punishable u/s 376/34 of the I.P.C. and Section 4 of the POCSO Act , pending in the court of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Sitamarhi.

3. Vide order dated 05.10.2023, case diary and the statement of the victim recorded u/s 164 of Cr.P.C. was called for from the concerned court and statement u/s 164 is kept in sealed envelop and opened in Court.

4. Allegation against the petitioner is that he along with others have kidnapped the minor daughter of the informant.

5. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioner is general and omnibus in nature. He further



submitted that when petitioner denied to marry with the daughter of the informant, the present case has falsely been lodged against him.

6. Per contra, learned APP for the State vehemently opposed the bail petition submitted that there is specific overt act against the petitioner and victim is minor, the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

7. Considering the facts and circumstances of case, minority of the age of the victim and statement of the victim recorded u/s 164 of Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

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

9. Office is directed to return the envelop of statement of victim to the concerned court.

(Anjani Kumar Sharan, J)

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