

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61998 of 2024**

Arising Out of PS. Case No.-1149 Year-2023 Thana- FORBESGANJ District- Araria

AFTAB Son of Late Rayyan R/o village - Samda, P.S.- Araria, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samim Son of Late Habib R/o village - Ghoraghat, W. No.- 1, P.S.- Forbesganj, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Naushaduzzoha, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Mukesh Kumar Rana, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 14-11-2024 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in Forbesganj P.S. Case No. 1149 of 2023, instituted for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner abducted the minor daughter of the informant, kept her for 11 days with him and committed rape upon her. It is further alleged that after search both of them were recovered from Bangalore and the petitioner was handed over to the police.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is inordinate delay of 11 days in lodging the FIR. Daughter of the informant was major and have love affair with the petitioner. The victim on her own will went with the petitioner without any coercion. Statement of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C. does not corroborate but she has not stated anything about rape against the petitioner. It is further submitted that medical examination report of the victim does not show any sign of fresh sexual assault and it is also determined that the victim is 17 to 18 years of age. The petitioner is in custody since 31.12.2023 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Forbesganj P.S. Case No. 1149 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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