

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63404 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- KASBA District- Purnia

Md. Sajjad @ Sajjad Nadaf S/o Late Makbul Nadaf Resident of Village-
Bareta, Ward No. 04, Police Station- Kasba, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi W/O Ram Prasad Kanu R/V - Gudari Bazar, P.S.- Kasba, Dist-
Purnea

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 21.06.2024 passed in Cr. Misc. No. 21825 of 2024.

3. The petitioner seeks bail in connection with Kasba
(Sadar) P.S. Case No. 160 of 2023 instituted for the offences
under Sections 363/366(A)/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

4. As per prosecution case, the accusation against the
petitioner is of abducting the daughter of the Informant in
connivance with other co-accused persons as also of committing



rape upon her.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the victim girl and co-accused Mujahidin were in love with each other and the victim went along with him on her own will and, thus, the petitioner has no concern with the alleged occurrence and has falsely been implicated in the present case merely on the basis of suspicion. The doctor after examination has found the age of the victim girl in between 18-20 years. The charge-sheet has been submitted by the I.O. under Sections 341, 323, 363, 366A, 504, 506 and 34 of the I.P.C. and Section 8 of the POCSO Act. He further submits that the petitioner has not lifted the daughter of the Informant rather the allegations are creation of the mind of the Informant to take all the tailoring goods of the petitioner. The statement of the victim girl made under Section 164 Cr.P.C. does not support the prosecution case. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.07.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is accused of kidnapping the victim along with the co-accused persons. In the statement made under Section 164 Cr.P.C., the victim girl has clearly named the petitioner and stated that two boys the petitioner and co-accused Mujahid forcibly took the victim somewhere by stuffing a black cloth in her mouth and also assaulted her. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kasba (Sadar) P.S. Case No. 160 of 2023.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

