

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63964 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- BEN P.S. District- Nalanda

MD. NASIM @ NASIM MIYA Son of Baddu Miya @ Badruddin Miya
Village- Juafar Bazar Ps- Ben Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Arun Kumar Son of Madho Ravidas Village- Sare Ps- Ben Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ben P.S. Case No. 157 of 2023 dated 11.11.2023 registered for the offences punishable u/s 366A read with section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there was love affair between the victim girl and the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 02.07.2024 passed in Cr. Misc. No. 43108/2024. As per the statement recorded under Section 164 of the Cr.P.C. the victim left her home on her own will. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded u/s 164 of the Cr.P.C. has stated the name of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Court concerned, Nalanda at Bihar Sharif, in connection with Ben P.S. Case No. 157 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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