

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72519 of 2024

Arising Out of PS. Case No.-255 Year-2022 Thana- ATRI District- Gaya

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1. Md. Samir Alam Son of Sajid Alam Resident of Village- Manjhauli, PS- Fatehpur, Distt.- Gaya
 2. Md. Tahir Alam Son of Sajid Alam Resident of Village- Manjhauli, PS- Fatehpur, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Prasad Singh Son of Late Balgovind Singh Resident of Village- Kharaua, P.S.- Atri, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 366(A) and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, on 10.06.2022, the grand-daughter of the informant had gone to attend a marriage ceremony, but she did not return and later on, the informant came to know that these petitioners alongwith co-accused Md. Jamshed Alam kidnapped the victim for the purpose of marriage.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. The



victim, in her statement recorded under Section 164 Cr.P.C., has denied the factum of kidnapping and specifically stated that she left the house with co-accused Md. Jamshed Alam voluntarily. Doctor has assessed age of the victim in between 18 - 19 years. Co-accused Md. Jamshed Alam has been granted anticipatory bail by this Court, vide order dated 21.03.2024 passed in Cr.Misc. No. 145 of 2024. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances and statement of the victim recorded under Section 164 Cr.P.C., let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum-A.D.J. - VII, Gaya in connection with Atri P.S. Case No. 255 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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