

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73599 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- DHORAIYA District- Banka

Md. Guddu @ Guddu @ Gudwa, aged about 45 years, Son Of Md. Ibrahim @ Ibrahim Miyan R/O Village - Pokhariya, P.S.- Poraiyahat, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shamshad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Dhoraiya P.S. Case No. 100 of 2023 registered for an offence punishable under Sections 363 and 366A/34 of the Indian Penal Code.

3. Allegation against the petitioner is to have kidnapped the daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He submits that the FIR was lodged after delay of four days. Petitioner is in custody since 18.04.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.



6. From perusal of the first information report and the statement of the victim recorded under Section 164 of the Cr.P.C, it appears that the petitioner is named in the FIR and no specific allegation of sexual assault against the petitioner.

7. Accordingly, let the above named petitioner be released on bail *after framing of the chargesheet* on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Banka in connection with Dhoraiya P.S. Case No. 100 of 2023.

8. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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