

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76156 of 2023

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

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Mojahiddin @ Mojahid Nadaf S/O Late Abbas @ Abbas Nadaf R/O Village-
Baraita Ward No. 4, P.S- Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366(A) and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he abducted the daughter of the informant in connivance with other co-accused persons and also assaulted her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from para-8 of this petition that from perusal of the FIR, the daughter of the informant seems major and after medical examination, the age has been assessed between 18 to 20 years. Charge sheet has



been submitted by the police under Sections 341, 323, 363, 366A, 504, 506 and 34 of the IPC and 8 of the POCSO Act. Although, victim has named the petitioner along with other co-accused persons in abducting her by bike forcefully and also assaulting her as per her statement recorded under Section 164 of the Cr.P.C but no any physical abuse or physical misbehave has been committed with her by the petitioner. It is also submitted from para-9 of this petition that petitioner and the daughter of the informant(victim) were in love. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 08.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that victim stated about the complicity of the petitioner along with other co-accused person in respect of commission of abduction in her statement.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kasba P.S. Case No. 160 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
learned Additional District Judge, VI-cum Special Judge
(POCSO) Act, Purnea.

(Sunil Kumar Panwar, J)

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