

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83762 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHWAPUR District- Madhubani

Md. Israil Son Of Akalu R/O Village- Rampur Birit, P.S.- Madhwapur,
District- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Mr. Rajesh Kumar Mr. Gagandeo Yadav,
For the Opposite Party/s :		Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 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 354, 448, 323, 363, 365, 366(A), 376, 504, 506, 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. As per prosecution case, allegation against the petitioner is that he along with co-accused Md. Waris took away the minor daughter of the informant to Nepal. He corporated and assisted to co-accused Md. Amir in the sexual assault on the minor victim.

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. For the alleged occurrence of 8.4.2022, the FIR was instituted on 5.5.2022 after lapse of one month. From perusal of FIR as well as statement of victim recorded u/s 164 of the Cr.P.C., it appears that the petitioner was involved in abduction of victim but the specific allegation of establishing sexual relationship is against co-accused Md. Amir. Similarly situated co-accused Md. Waris has already been granted bail by a co-ordinate Bench of this Court vide order dt. 16.03.2023 passed in Cr. Misc. No. 63545 of 2022. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 19.9.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhawpur P.S. Case No. 55 of 2022 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 and Sessions Judge-VII-Cum-
Special Judge, POCSO Act, Madhubani.

(Sunil Kumar Panwar, J)

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