

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83584 of 2023**

Arising Out of PS. Case No.-130 Year-2023 Thana- SUGAULI District- East Champaran

Md. Daulat Hussain @ Sheikh Daulat S/o Sheikh Jokhu R/o village-Laxmipur  
Madhumalti, P.S-Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Petitioner/s     | : | Mr.Abhishek Kumar       |
| For the Opposite Party/s | : | Mr.Md. Iftekhar Mahmood |
| For the Informant/s      | : | Vishwa Mohan Kumar      |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

4      10-04-2024                      Heard learned counsel for the petitioner as well as  
  
learned counsel for the informant and learned A.P.P for the  
  
State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sugauli P.S. Case No. 130 of 2023 dated 10.04.2023 registered for the offence punishable u/ss 363, 366A read with 34 of the Indian Penal Code and further added Sections 376, 302, 201, 120B of the IPC and Section 4 of the POCSO Act.

3. As per the prosecution case, unknown miscreants are alleged to have kidnapped the minor daughter of the informant with bad intention by enticing her.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There is a delay of 3 days in lodging the FIR and there is no plausible explanation for the same. The petitioner is not named in the F.I.R The name of the petitioner has transpired on the basis of re-statement of the informant recorded in paragraph no. 65 of the case diary. The other co-accused person has already been granted anticipatory bail by this Court *vide* order dated 27.02.2024 passed in Cr. Misc. No. 7774/2024. The specific allegation is against the co-accused, Danish. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.10.2023.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has further submitted that other witness has supported the prosecution story. As per the post-mortem report, the cause of death is due to asphyxia as a result of pressure over neck. It is further submitted that the deceased was pregnant and a portion of foetus and mother's finger were preserved for the DNA examination.

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, East Champaran, Motihari in connection with Sugauli P.S. Case No. 130 of 2023, with the condition ;-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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