

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83686 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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Ismile Ansari @ Ismile Miyan Son Of Seikh Lukman Resident Of Village-
Bajraha, P.S. Kundwa Chainpur, District- East Champaran, Motihari
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-03-2024 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), 379, 506 of the Indian Penal Code and Section 8 of the
POCSO Act.

3. As per prosecution case, allegation against the
petitioner is of abduction of the daughter of the informant who
is aged about 17 years.

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. The victim was recovered
and her statement was recorded. There is huge contradiction
between her statement recorded u/s 161 and 164 of the Cr.P.C.
She has not stated about any physical assault against the



petitioner in her statement u/s 161 of Cr.P.C. but she developed the story and deposed u/s 164 of Cr.P.C. that the petitioner forcibly made physical relation with her in a hotel. She also stated that she knew the petitioner for one year. The entire allegation of false and fabricated. It is also submitted that the charge-sheet has been submitted u/s 363, 366(A) of I.P.C. and 4 of POCSO Act. The petitioner has got no criminal antecedent and languishing in judicial custody since 4.8.2023.

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 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 Kundwa Chainpur P.S. Case No. 128 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 6th Additional Sessions Judge-Cum-Special Judge, POCSO, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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