

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84613 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- SALAKHUA District- Saharsa

Md. Ali Asaraf @ Md. Asaraf Ali S/O Md. Yunus R/O Village- Murli Ward
No. 4 (Salkhua), P.S.- Salkhua (Banma Itahari O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Special POCSO Case No. 47 of 2023, arising out of Salkhua
(Banma Ithari O.P.) P.S. Case No. 177 of 2023 for the offences
registered under Sections 363, 366A, 34 of the Indian Penal
Code and Sections 8, 12 of POCSO Act.

3. As per the prosecution case, petitioner along with
F.I.R. named accused persons are alleged to have kidnapped the
minor daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. The daughter of the informant in her statement stated that
she had gone *suo motu* from the house with the petitioner who
left her to co-accused Sanowar, with whom she went to



Haridwar where she met her maternal uncle. Thereafter, she returned with her maternal uncle. She categorically stated that no one had kidnapped her. No one has done any wrong with her. She had gone on her own will. There is no allegation against the petitioner. Petitioner has no criminal antecedent. He is in custody since 29.08.2023. It is further submitted that similarly situated co-accused, namely, Md. Sannowar has already been granted bail by a Co-ordinate Bench of this Court, vide order dated 18.10.2023 passed in Cr. Misc. No. 67606 of 2023.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioner, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Salkhua (Banma Ithari O.P.) P.S. Case No. 177 of 2023.

(Sunil Dutta Mishra, J)

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