

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19994 of 2025

Arising Out of PS. Case No.-424 Year-2024 Thana- HARSIDHI District- East Champaran

Samsh Alam @ Raja Babu @ Shams Alam son of Noor Mohhamad Ansari @
Nurmahamad Ansari Resident of Ward no 8, Murarpur, P.S Harsidhi, Dist-
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simran Nesha Daughter of Manuddin Ansari Village - Ward no 03,
Sarishwa, Ps- Harsidhi, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-07-2025 Heard Mr. Kundan Rathore, learned counsel for the

petitioner as well as Mr. Ram Anurag Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Harsidhi P.S. Case No. 424 of 2024, F.I.R. dated 31.07.2024
for the offences punishable under Sections 126, 127(1), 115(2), 76,
79, 351, 352, 3(5) of the BNS, 2023 and Sections 12 and 8 of the
POCSO Act.

3. According to prosecution case, the petitioner
along with other co-accused persons have tried to kidnap the
victim but she was saved by the people of village. It is further
alleged that one co-accused person assaulted the father of the
victim with butt of the pistol due to which he got injured.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner was in love with the victim and both have solemnized their marriage on 27.10.2024 and the victim is still living with the petitioner as his wife.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 424 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. One of the bailors should be the victim, namely,



Simran Nesha.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

priyanka/-

U		T	
---	--	---	--

