

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28962 of 2025**

Arising Out of PS. Case No.-58 Year-2023 Thana- JOGBANI District- Araria

Salman @ Salman Alam S/O Mainuddin @ Maheuddin @ Mainuheen  
Resident of Village- Fenagarh Bathnaha, P.S- Jogbani (Bathnaha OP), Distt.-  
Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/O Surendra Sah Resident of Village- Fena Belahi, Ward  
No.13, P.S - Jogbani (Bathnaha), Distt.- Araria.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Ravish, Advocate  
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-05-2025                      Heard Mr. Kumar Ravish, learned counsel for the  
  
petitioner and Mr. Anand Kishore Choudhary, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection  
with Jogbani (Bathnaha) P.S. Case No. 58 of 2023, F.I.R. dated  
04.03.2023 for the offences punishable under Sections  
365/366(A)/34 and Section 8 of the POCSO Act.

3. As per the First Information Report, the informant  
alleged that the petitioner along with other accused persons  
kidnapped her daughter.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been implicated  
in the present case. There is delay in lodging the FIR as the



alleged occurrence took place on 21.02.2023 but the present FIR was instituted on 04.03.2024 i.e. after delay of 10 days without giving any reason of delay and despite the fact that that the police after thorough investigation did not find this petitioner's complicity in the alleged offence, did not sent him up for trial and the learned trial court took cognizance against him and apart from that co-accused person, namely, Sahnawaj @ Md. Sahnawaz Alam@ Md. Sahnawaz has been granted the privilege of anticipatory bail by co-ordinate bench of this Court vide order dated 07.05.2024 in Cr.Misc No. 66237 of 2023.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and after investigation police did not sent the petitioner for trial and the learned trial court took cognizance against him, let the petitioner, above named, in the event of 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 D.A.J.-VI-cum-Special Judge (POCSO) Araria in connection with Jogbani (Bathnaha) P.S. Case No. 58 of 2023, subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure / Section 482(2) of the Bhartiya  
Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

ii. 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.

iii. 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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