

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50157 of 2025

Arising Out of PS. Case No.-581 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Md. Sajid @ Sajid Ali Son of Late Md. Lalbabu Mansuri @ Lal Baboo
Resident of Village - Minapur, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Nezamuddin Son of Late Daud Resident of Village - Minapur, P.S.-
Sahebganj, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2025 Heard learned counsel appearing on behalf
of the petitioner and learned APP appearing on behalf
of the State.

2. The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 581/2023, registered for the
offence under Sections 363, 366(A) of the Indian Penal
Code and later on added Sections 6/7 of the POCSO
Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 30.08.2024.

4. The allegation against the petitioner is to
kidnap the minor daughter of the informant aged
about 17 years, for the purpose of illicit



intercourse/marriage with another person.

5. Learned counsel appearing on behalf of the petitioner submitted that statement of victim *qua* her kidnapping is different while recording her statement under Section 161 of the Cr.P.C., and under Section 164 of the Cr.P.C. It is also pointed out that while recording her statement under Section 161 of the Cr.P.C. it is categorically stated that she left home out of her own sweet will for one of her maternal uncle's home in Deoria, UP and she not even named this petitioner, but while recording her statement under Section 164 of the Cr.P.C. victim stated that this petitioner eloped her on pretext of providing job. It is also pointed out that allegation of penetrative sexual assault/rape is available against co-accused Dhanoj Kumar, who has already granted bail by this Court through Cr. Misc. No. 74453 of 2024 dated 18.09.2025. It is further submitted that petitioner remains in custody for more than one year and still matter is pending for examination of prosecution witnesses. It is pointed out that the preferred time line as to conclude the trial is one year within the meaning of Section 35(2) of POCSO Act, which already crossed much earlier and, therefore, on this ground alone petitioner deserves bail, who is a



man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. Despite of service of notice, none appeared on behalf of the informant.

8. Considering the aforesaid factual submissions and by taking note of fact as statement of victim *qua* crime in question appears contradictory as discussed aforesaid, where allegation of penetrative sexual assault/rape is not available against this petitioner, coupled with the fact as petitioner remains in custody since 30.08.2024, where trial of this case is not likely to conclude within preferred time line as provisioned under Section 35(2) of the POCSO Act, accordingly, petitioner above named, is directed to be released on bail in connection with Sahebganj P.S. Case No. 581/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, POCSO III, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-



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

