

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64254 of 2024

Arising Out of PS. Case No.-530 Year-2024 Thana- SIKARPUR District- West Champaran

Nasir Khan Son of Late Kalam Mian Resident of Village- Dhokraha, PS-
Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi wife of Sanjeet Tanti Resident of Village- Fatehpur Takiya, P.S.-
Baliya, Distt.- Begusarai (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 27-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary. No one has
appeared on behalf of the informant.

2. The petitioner seeks bail in connection with
Shikarpur P.S. Case No. 530 of 2024, instituted for the offences
punishable under Sections 137(2), 96, 64 of the Bharatiya
Nyaya Sanhita, 2023 and Sections 4/8 of the POCSO Act.

3. The prosecution case, in short, is that, on the
pretext of marriage, the petitioner abducted the minor daughter
of the informant and established physical relationship with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that statement of the victim recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. does not corroborate with the prosecution story. The victim in her statement recorded under Section 164 Cr.P.C. has not stated anything against the petitioner about making physical relationship with her. The petitioner is in custody since 28.07.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shikarpur P.S. Case No. 530 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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