

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71249 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- Kalibagh District- West Champaran

Arbaz Ansari @ Sabir Ansari @ Arbaz S/o Ramatullah Ansari Ramatullah Ansari R/o Village- Balirampur, Ward No.10, P.S.- Puruhutampur, District- West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jagat Paswan S/o Asarfi Paswan R/o Village- Kaithwalia, P.S.- Chanpatiya, West Champaran, Bettiah, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 23-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 139, 140(3) of B.N.S. and Sections 4 and 8 of the POCSO Act.

3. The case of the prosecution is that niece of the informant was residing at his house for studies. She was studying in class 12th and for that she went to coaching on 09.07.2024 at 10.30. A.M. when she did not return till 6 P.M. After that, informant started searching and when he went to coaching then he came to know that she has not gone to coaching on that day.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During investigation, the victim was recovered and she has given her statement before police under Section 180 of the B.N.S and has stated that she was in talking terms with one Sandeep Kumar and one day her aunt caught her red handed talking with Sandeep then she scolded her on this she came to Bettiah Railway Station and went to Gorakhpur. She took the mobile of this petitioner for calling Sandeep. The victim told him that she is going to commit suicide. The petitioner stopped her from committing suicide and offered her to come to Mumbai. She went to Mumbai with him and from there she made a whatsapp call to her younger sister that she is returning to Gorakhpur. During course of investigation, the victim has given her statement recorded under Section 164 Cr.P.C. wherein she has stated that she was having affair outside marriage with Sandeep Kumar and they were having physical relationship and she is pregnant as well. From perusal of the entire case diary, it is clear that the only allegation against this petitioner is that he took her to Mumbai and from there she returned to Gorakhpur. A statement has been made in para-3 of this petition that the petitioner has



got no criminal antecedent. Moreover, he is languishing in judicial custody since 17.07.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kalibagh P.S. Case No. 81 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-A.D.J.-VI, West Champaran, Bettiah.

(Ashok Kumar Pandey, J)

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