

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79679 of 2024

Arising Out of PS. Case No.-457 Year-2024 Thana- MUFFASIL District- West Champaran

Parvej Alam S/o Late Tufan Miyan R/o Village- Sripur Basantpur, P.S.-
Sugauli, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mst. Kalima W/o Late Karmullah R/o Village- Mansha Tola, Ward No. 32,
P.S.- Bettiah Muffasil, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Adv.
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Mr. Ujjwal Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

7 02-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Bettiah
Muffasil P.S. Case No. 457 of 2024 instituted for the offences
under Sections 96/3(5) of the Bhartiya Nyaya Sanhita and
Section 8 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping and eloping with the minor daughter
of the Informant for the purpose of marriage. It is further
alleged that when the Informant went to the house of the
accused persons, they demanded Rs. one lac from the Informant



for sending back the victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the son-in-law of the Informant. He further submits that the victim girl is a major and her date of birth as per her Birth Certificate is 30.12.2006. Learned counsel for the petitioner further submits that the victim girl has been recovered and she, in her statement recorded under Section 164 Cr.P.C., has not stated anything adverse against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.08.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that there is direct allegation against the petitioner of kidnapping and eloping with the minor daughter of the Informant. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 96 of the B.N.S. and Section 08 of the POCSO Act.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner and taking into account the statement of the victim girl recorded under Section 164 of the Cr.P.C. as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bettiah Muffasil P.S. Case No. 457 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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