

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81158 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- DIGHWARA District- Saran

MD SHAHZAD ALAM @ SHAHZAD BAKKO S/o Md. Tahid R/O VILL-
PANHAR, PS-KHODA GANJ, DIST-NALANDA

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bindu Devi W/o Dharmvart Shastri R/o vill and P.O.- Basti Jalal, P.S. -
Dighwara, Distt.- Saran

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81309 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- DIGHWARA District- Saran

MD. NAUSHAD @ RAJU S/o Abid Bakkho @ Aabid Bakkh R/O VILL-
PANHAR, PS-KHODA GANJ, DIST-NALANDA

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bindu Devi W/o Dharmvart Shastri R/o vill and P.O. - Basti Jalal, P.S. -
Dighwara, Distt.- Saran

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81158 of 2024)

For the Petitioner/s : Mr. Brajesh Shay, Advocate
Ms. Harshita, Advocate
Mr. Arifdaula Siddiquie, Advocate
Mr. Mahtab Alam, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP
For Informant : Mr. Udai Shankar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 81309 of 2024)

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Ms. Harshita, Advocate
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Mr. Mahtab Alam, Advocate

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For Informant : Mr. Udai Shankar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 21-07-2025 Both these cases arise out of same P.S. and hence,

are being taken up together.

2. Heard learned counsel for the petitioners, learned



APP for the State and learned counsel for the informant.

3. The petitioners apprehend their arrest in connection with Dighwara P.S. Case no.182 of 2023 registered under sections 363, 366A and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

4. The allegation in the F.I.R is that informant's minor daughter was kidnapped by accused persons while she was going to school.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the case. So far as petitioner Md. Naushad @ Raju in Cr. Misc. No. 81309 of 2024 is concerned, he is not even named in the F.I.R and even victim in her statement recorded under Section 164 of the Cr.P.C has not taken the name of the petitioner. Further in the materials collected during course of investigation, nothing substantial seems to have transpired against him and the C.D.R and tower location also do not reveal any complicity of this petitioner. Further, he has no criminal antecedent.

6. So far as petitioner Shahzad Alam in Cr. Misc. No. 81158 of 2024 is concerned, although petitioner is named as an accused in the F.I.R along with others, but the victim in her statement took the name of co-accused Ganesh Kumar and not



the petitioner herein. The allegations against this petitioner are not correct and the petitioner is no way connected with the informant or her daughter.

7. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. So far as petitioner Naushad @Raju is concerned, it is submitted that his name has transpired in the statement of victim recorded under Section 161 of Cr.P.C, however, they are not in a position to refute the fact that he has neither been named in the F.I.R nor in the statement under Section 164 of the Cr.P.C. So far as petitioner Shahzad Alam is concerned, it has been pointed out that besides his name being there as an accused in the F.I.R and also in the statement of victim recorded under Section 161 Cr.P.C, paragraph no. 87 of the case diary discloses that tower location of this petitioner has been traced as per the movement of the victim and further in paragraph no. 92 it is further revealed that the petitioner was in continuous conversation with co-accused Ganesh Kumar.

8. In view of the above, I am not inclined to grant privilege of anticipatory bail to petitioner Shahzad Alam @ Shahzad Bakko in Cr. Misc. No. 81158 of 2024 and the application is rejected.



9. So far as Naushad @ Raju in Cr. Misc. No. 81309 of 2024 is concerned, he has neither been named in the F.I.R nor in the statement of victim girl recorded under Section 161 as well as 164 Cr.P.C, I am inclined to grant privilege of anticipatory bail to the petitioner, namely, Naushad @ Raju in the event of his arrest or surrender before the learned Court below within a period of four weeks, in connection with Dighwara P.S. Case no.182 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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