

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89695 of 2024

Arising out of PS. Case No.-365 Year-2024 Thana- DHAKA District- East Champaran

Sajjad @ Md. Sajjad, S/o- Wakil Ahmad, R/o Village-Barewa, P.O. Chandan-
bara P.S. Dhaka District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mishrun Nesha W/o- Samiullah of Kulheri Baitha R/o Village-Barewa, P.S.
Dhaka District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s: Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Dhaka
P.S. Case No. 365 of 2024 instituted for the offences under Sec-
tions 76, 87, 115(2), 137(2), 140(3), 3(5) of BNSS and Sections
8 and 12 of POCSO Act.

3. It has been alleged in the FIR by one Mishrun Ne-
sha that on 19.08.2024 when her daughter was walking in her
campus, at around 9 PM 3-4 persons took away her daughter
forcibly by tying her mouth with intention to rape. The infor-
mant has further alleged that when she went to the father of the
petitioner who was the Sarpanch of the Panchayat he assured



that her daughter would come back within 2-3 days. When her husband came from Assam she went along with her husband to enquire to the father of the petitioner about her daughter upon which the brother and father of the petitioner abused and assaulted her and her husband, thereafter, the present FIR was lodged.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in this case at the behest of his family on account of Nehal, Helal and Shaukat Ali who comes from the family of political opponent of the petitioner. It is further submitted that from perusal of the FIR it is apparent that the occurrence took place on 19.08.2024 but the report was made on 27.08.2024 after delay of about eight days for which no explanation is given. It is also submitted that in fact the victim girl is major and she was in love with the petitioner and she had gone out of her own freewill. It is lastly submitted that the story of kidnapping is false and has been concocted only to implicate the petitioner in a false case. Learned counsel for the petitioner has further pointed out towards the statement made by the victim under Section 183 BNSS in which she has disclosed that she had gone out of her own freewill to Nepal and Nehal, Helal and Shaukat helped them in fleeing



away to Nepal. Learned counsel has drawn attention of this Court towards the report of the medical board which had determined the age of the victim girl as 18-19 years.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the victim girl was minor when she was kidnapped by the petitioner and there is a serious allegation upon the petitioner which is a heinous crime under the BNSS as well as POCSO Act.

6. Considering the facts and circumstances of the case and taking into account the statement of the victim girl under Section 183 of BNSS that she had gone out of her own freewill and also the fact that the medical board has assessed the age of victim girl as 18-19 years, the petitioner, above named, is directed to be released on bail 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari in connection with Dhaka P.S. Case No. 365 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain



present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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