

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44693 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- GWALPARA District- Madhepura

Chunchun Sah S/o Ganga Sah Resident of Village- Hanumannagar, P.S.-
Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 24.03.2019 has filed the instant application for grant of bail in connection with POCSO Case No. 23 of 2019 [Gwalpara P.S. Case No. 56 of 2019 (District- Madhepura)] registered for the offence punishable under sections 363, 366(A), 376 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the allegation in the FIR, minor daughter of the informant was found missing. It is submitted that on search being conducted it transpired that she was on telephonic conversation with the petitioner. As such a suspicion was raised that it was the petitioner who had taken her away.

It is submitted by learned counsel for the petitioner that on return of the daughter of the informant, her statement was recorded under section 164 Cr.P.C. wherein, she has stated



that she had gone with the petitioner and one Mohan for seeing 'mela' and Mohan took her to his house where she was kept for two days. It has further been alleged that the victim was medically examined by a medical board which estimated her age between 16-18 years and further that no injury was found on her body. It is further submitted that the victim left her house out of her own sweet will. The petitioner is in custody since 24.3.2019 and has no criminal antecedent.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the age of the victim girl has been assessed as 16-18 years and that she has categorically named this petitioner in her statement under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

However, taking into consideration the facts and circumstances of the case, the petitioner if so advised may renew his prayer for bail on completion of one year in custody.

(Partha Sarthy, J)

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