

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26287 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- GALGALIYA District- Kishanganj

ALAUDDIN Son of Hafiz @ Gera Resident of Village- Deviganj, BijanPur,
Rangmani jot, Rangmuni Jote, Bijanpur Jote P.S.- Kodhibari @ Kohribari,
District- Darjeeling (W.B.)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Galgalia PS Case No. 3 of 2020 registered under Sections 366A, 34 of the IPC and Section 14 of Pocso Act.

While she had gone to attend the call of nature, informant's daughter has been taken away by the accused persons.

Learned Counsel for the petitioner submits that the prosecution case is false. The FIR has been lodged ten days after the alleged occurrence, though the occurrence has taken place in presence of mother of the victim. In her statement under Section 164



Cr.P.C. the victim has stated about her marriage with the petitioner. The petitioner is in custody since 21.2.2020.

Learned APP has opposed the prayer for bail. It is submitted that since the victim was a minor, aged about 14 years as per her statement under Section 164 Cr.P.C. The allegation against the petitioner is serious. The petitioner has committed the offence under Section 366A and himself is aged about 22 years.

Considering the gravity of the allegation, this Court for the present is not inclined to enlarge the petitioner on bail.

The application is rejected.

(Madhuresh Prasad, J)

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