

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31187 of 2021

Arising Out of PS. Case No.-345 Year-2020 Thana- CHHATAUNI District- East Champaran

SHAMSHAD ALAM Son of Mansur Alam Resident of Village - Dihi
Dhabelwa, P.S. - Jogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Chhatauni P.S. Case
no. 345 of 2020 registered for the offence punishable under
sections 363 and 366A of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.09.2020 is person with clean
antecedent and charge sheet has been submitted. Learned
counsel for the petitioner further submits that from bare perusal
of the allegation as alleged in the FIR, it would manifest that
the informant (father of the victim) alleges that his minor
daughter had been receiving call from disgusting person and
such person was causing harassment to the victim. Further that
the informant raised protest the person who was making call not



to harass his minor daughter again. Further on 15.9.2020 at about 12.57 p.m., his daughter was forcibly kidnapped by one motorcyclist for the purpose of marriage for illicit relationship. He next submits that petitioner is not named in the FIR rather his name transpired during the course of investigation based on mobile number which is given in the FIR. Learned counsel submits that from perusal of the impugned order, it would manifest that victim in her statement under section 164 Cr.P.C has not supported the allegation as alleged in the FIR rather she admitted that on 15.9.2020 she herself called the petitioner and voluntarily left her parents for the purpose of marriage and also physical relationship between victim and the petitioner was established. Learned counsel further submits that victim in her statement recorded under section 164 Cr.P.C has disclosed her age as 17 $\frac{1}{2}$ years while doctor has assessed her age between 17 to 18 years while informant in FIR alleges that her age as 16 to 16 $\frac{1}{2}$ years.

Learned APP opposes the prayer for bail.

Considering the facts that victim has disclosed her age as 17 $\frac{1}{2}$ years and doctor has assessed her age between 17 to 18 years as such victim has reached age of discretion and is able to understand the consequences of her action and since petitioner



is in custody and is a person with clean antecedent and charge sheet has been submitted, the petitioner is directed to 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 the Special Judge, POCSO, Motihari, East Champaran in Chhatauni P.S. Case no. 345 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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