

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32856 of 2020

Arising Out of PS. Case No.-666 Year-2019 Thana- MUFFASIL District- West Champaran

SAIYAD SAJID AHMAD @ SAJID AHMAD S/o Mohammad Abulais
Resident of Mohalla-Kalibag, Bulaki Singh Chowk, P.S.-Bettiah Town,
District-West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 666 of 2019 registered under sections 363 and 366 A of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation in the FIR, the 14 years old daughter of the informant went missing and was not to be found any where. It is stated that she suspects that she has been kidnapped.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C., which is Annexure-2 to this petition. From perusal of the said statement it would transpire that the same is a tutored statement which could not be expected from a 14 year



old. There is an unexplained delay in lodging of the FIR. The informant's daughter was medically examined and no recent sign of sexual assault was found on her by the doctor. The petitioner has no criminal antecedent.

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

Having heard learned counsel for the parties and on going through the materials on record it transpires that in her statement under section 164 Cr.P.C. the minor daughter of the informant has named the petitioner and has made specific allegations against him of having established physical relations with her. Thus, the Court is not inclined to enlarge the petitioner on bail and, the same is rejected.

However, taking into consideration the submissions made on behalf of the petitioner including the fact that age of the victim has been assessed to be the 17-19 years, liberty is granted to the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

sushma/-

U			
---	--	--	--

