

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2065 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- SAHODARA District- West Champaran

Nazre Alam Son of Raiful Gaddi Resident of Village - Dhathwa, P.S. -
Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Ms.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Sahodara P.S. Case No. 72
of 2021, registered for the offence punishable under Sections
363, 366-A/34 of the Indian Penal Code and section 8/18 of the
POCSO Act.

As per the prosecution case, minor daughter of the
informant was kidnapped by the petitioner and other co-accused
persons.

It is submitted on behalf of the petitioner that there is
inordinate delay of four days in lodging of FIR which itself
shows the falsity of the case. On 29.08.2021, the statement of
so-called victim was recorded under Section 161 Cr.P.C wherein
she has categorically stated that she went to Bagaha Bus Stop on



18.08.2021, thereafter to Gorakhpur and then to Lucknow where she along with petitioner stayed for ten days in a rented house and thereafter, both of them came to Sahodar PS after staying at the house of petitioner for four days. The victim girl was medically examined and no internal or external injury was detected either on her person or on her private part and there was no sign of recent sexual assault. The age of victim girl was assessed between 17 to 18 years by the Medical Board. Therefore, no case under POCSO Act is made out. Petitioner is in custody since 29.08.2021 having no criminal antecedent.

Counsel for informant however, vehemently opposed the prayer for bail and submitted that victim girl in her statement under Section 164 Cr.P.C has specifically stated that she was sexually assaulted by the petitioner and she disclosed her age as 15 years and the court below also assessed her age as 15 years.

In view of statement of victim girl under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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