

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15668 of 2022

Arising Out of PS. Case No.-146 Year-2020 Thana- SIKARPUR District- West Champaran

Md. Parwez Alam @ Parwez Alam S/O Md. Murtuza Alam R/O Village -
Sheoganj, Ward No.-7, P.S. - Shikarpur, Dist. - West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy- Advocate

For the Opposite Party/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2022 Heard learned counsel for the petitioner and learned
SPP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 366A of the Indian Penal Code, Sections 3(i)(r)(s) of the SC/ST (P.O.A.) Act and Section 8 of the POCSO Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 07.09.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and charges have been framed.

The learned counsel for the petitioner further submits that the informant alleges that her minor daughter used to go to the coaching centre of Md. Parwez Alam @ Parwez Alam (petitioner) for studying. It is next alleged that on 12.03.2020,



the petitioner came to the house of the informant and took her daughter to the coaching centre and when she did not return till 10.00 A.M., the informant along with her family members started searching and when she met the petitioner, he abused her and said that he does not know about the victim and when the informant said that it was the petitioner, who had taken her from home, on which the petitioner used caste name as detailed in the F.I.R. It is next alleged that on 01.04.2020, the informant received a call and the caller informed that the victim used to talk to her brother and when the informant wanted to know, who the caller was, the call was disconnected. Thus, the informant alleges that the victim has been kidnapped by the persons, who had made the call.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. From perusal of the allegation, it would manifest that the informant alleges that petitioner had taken the victim to the coaching centre where she was studying. It is further submitted that after the victim returned, her statement was recorded under Section 161 of the Cr.P.C., which was at variance with the allegation as alleged in the F.I.R., the victim in her statement under Section 161 of the Cr.P.C. has stated that she used to teach in the



coaching centre and was getting Rs.800/- and she had gone to teach the student where she was given tea and she became unconscious. Thereafter, she alleges that when she became conscious, she saw Ranjit Kumar along with others, who took her somewhere and also that she felt that some illegal act was committed and thereafter, she has stated that later, she came to know that she was in Bengaluru. The learned counsel submits that thereafter her statement was recorded under Section 164 of the Cr.P.C. and the statement under Section 164 of the Cr.P.C. was at variance with the allegation as alleged in the F.I.R. and her statement recorded under Section 161 of the Cr.P.C. wherein she has stated that she was teaching in the coaching centre and some money was due for which she had gone to the coaching centre for asking for the money, but there, she was given tea and she became unconscious. Further that Ranjit Kumar along with others committed illegal act with her apart from other facts as mentioned in the statement under Section 164 of the Cr.P.C.

The learned counsel for the petitioner submits that from perusal of the allegation in the F.I.R., the statement recorded under Sections 161 and 164 of the Cr.P.C., it would manifest that the victim is changing stand at different point of time and it appears that she is not speaking the truth. It is



submitted that a person speaks the truth does not have to remember what he or she said. It is also submitted that in her statement recorded under Section 161 and 164 of the Cr.P.C., she has not named the petitioner of committing any objectionable act.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charges have been framed, and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shikarpur P. S. Case No.146 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

