

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32762 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- BARACHATTI District- Gaya

MD. IRSHAD MIAN @ KASIM Son of Idrish Mian Resident of Village -
Dangra, P.S.- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 363, 366A/34 of the Indian Penal
Code and sections 6/ 8 of the POCSO Act.

As per allegation, informant minor daughter aged about 15
years was kidnapped by this petitioner and one accused person and
after alleged occurrence said victim contacted her father through
mobile communication and revealed that she was forcibly taken by
this petitioner and he had committed wrong with her. Further
allegation made by the informant is that petitioner indulged in human
trafficking of the girls.

The main submissions advanced by Sri Nand Kishore



Prasad Sinha, the learned counsel for the petitioner are that so-called victim has been recovered and she has recorded her statement which has been filed along with the petition as annexure 2 which is completely go against the allegation made in the FIR and the said victim accepted that she voluntarily left the house of her father on account of having love affair with this petitioner and also accepted matrimonial relationship with this petitioner.

Sri Anil Prasad Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and mainly considering petitioner's clean antecedent, his custody period and victim's statement recorded under section 164 Cr.P.C which completely go against the prosecution allegation mentioned in the FIR and order of the learned court below goes to show that petitioner's case is at initial stage , in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, (POCSO)-cum- Addl. Sessions Judge VII, Gaya in POCSO case no. 24/2022 arising out of Barachatti (Mohanpur) P.S Case No. 90 of 2022.

(Shailendra Singh, J)

s.hassan/-

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

