

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38299 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- SIKARPUR District- West Champaran

Tabrej Alam S/O Bhot Shekh Resident of Ward No.- 12, Village- Chanki,
P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shikarpur P.S. Case No. 66 of 2022 lodged under Sections 363,
366(A) read with Section 34 of the I.P.C. and Section 8 and 12
of POCSO Act.

As per the prosecution case, the informant has
disclosed that her younger sister who is minor visited to school
and not returned in the evening. Thereafter, the informant
disclosed that on 25.01.2022, 5 named accused persons had
kidnapped her sister with a view to marry with the petitioner.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He submits that victim girl has recovered and recorded her statement before the Magistrate under Section 164 Cr.P.C. In her statement, she has not alleged any force upon her, nor she has made any allegation of rape or offences under POCSO Act. He further submits that petitioner is in custody since 21.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that there is a direct allegation against this petitioner of kidnapping to the younger sister of the informant. Learned counsel for the petitioner also submits that there is a delay of 16 days in filing of F.I.R.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but he may renew his prayer for bail 3 months after framing of charge.

The Trial Court is directed to expedite the trial as early as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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