

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39434 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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Mustafa Devan Son of Late Mustakim Devan Resident of village- Puraina,
P.s.- Dumariyaghat, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with
Dumariaghat P.S. Case No. 144 of 2021 registered for the
offences punishable under Sections 363, 366(A) and 34 of the
Indian Penal Code and Section 8 of the POCSO Act.

As per the allegation, the informant has alleged that
her daughter aged about 15 years was kidnapped by this
petitioner and co-accused persons when she was at home. It is
further alleged that the accused persons also looted



Rs.1,20,000/- from her home and the informant was threatened to be killed by this petitioner.

The main submissions advanced by the learned counsel Mr. Rajiv Kumar for the petitioner are that as per the medical report the age of the victim was assessed between 17 ½ to 18 ½ years and the said victim has been recovered and she has made statement under Section 164 Cr.P.C. in which she flatly denied the allegation of the FIR and stated that she voluntarily left the house of her family and also accepted to have pregnancy of six months from the petitioner.

Learned APP Mr. Pawan Kumar Chaurasia appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the statement of the so-called victim recorded under Section 164 Cr.P.C. which completely goes against the prosecution's story narrated in the FIR and the said victim stated to have established her matrimonial relationship with this petitioner and also considering the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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



concerned Court in connection with Dumariaghat P.S. Case No.
144 of 2021.

(Shailendra Singh, J.)

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