

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39880 of 2022

Arising Out of PS. Case No.-343 Year-2022 Thana- MUFFASIL District- West Champaran

Afroz Ansari S/O Islam Ansari, Resident Of Village - Pipra Chauk, P.S.-
Muffasil, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No.III, Advocate
For the State	:	Ms. Asha Kumari, APP
For the Informant	:	Mr. Anant Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Bettiah Muffasil P.S. Case No. 343 of 2022 lodged under
Sections 366(A)/34 of the I.P.C. and Section 8 of POCSO Act.

As per prosecution case, the informant has made
allegation against the present petitioner that he has kidnapped
her minor daughter with a view to marry.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
further submits that upon recovery, the alleged victim girl has

recorded her statement before learned Magistrate under Section 164 Cr.P.C. In the said statement she has not disclosed any ingredient either of kidnapping or any force used upon her. Counsel further submits that antecedent of the petitioner is clean, he is in custody since 14.05.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that during pendency of this case it is true that charge sheet has been filed not only under the provision of kidnapping but some more sections that is to say section 376 of I.P.C. has also been added alongwith section 4 of the POCSO Act.

Upon specific query that whether charge has been framed or not, it has been informed at Bar that charge has not framed in the present case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, his bail application is hereby rejected. But liberty is hereby granted to the petitioner that he shall renew his prayer for bail after framing of charge and the trial court is

directed to release the petitioner after two months of framing of the charge with imposing its own conditions, so that petitioner may not evade his appearance during trial.

(Dr. Anshuman, J.)

ravishankar/-

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