

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54136 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- BAIRIYA District- West Champaran

TAJ MOHAMMAD @ TAJ MOHAMMAD ALAM Son of Amin Miyan
Resident of Village - Belwa Shanichari, Police station - Sahnichari, District -
West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code and section 12 of the POCSO Act.

As per the prosecution case, it is stated by the informant that seven named accused persons including the petitioner herein are jointly involved in enticing his 17 year old daughter for the purpose of marriage. Inspite of search his daughter was not to be found.

It is submitted by learned counsel for the petitioner that the FIR was registered on 6.4.2020 and the daughter of the informant was recovered on 6.4.2020 itself. Her statement under



section 164 Cr.P.C. was recorded wherein she describes herself to be aged 17 years. She states therein that covillagers, the petitioner herein asked her to accompany Manwar. She accompanied Manwar till Malahi. The petitioner reached behind them and thereafter took Manwar with him leaving behind the informant's daughter at the canal. She further states that Manwar stated that he would come and get her the next day however, Manwar called on telephone to say that his brother had taken him elsewhere. Another lady took her to her house and had kept her. Thereafter she called her parents.

It is thus submitted by learned counsel for the petitioner that from the contents of the statement under section 164 Cr.P.C. itself it was the informant's daughter herself who accompanied Manwar. No overt act is alleged against the petitioner. The petitioner is in custody since 6.3.2021 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations in the FIR, the contents of the statement of the daughter of the informant under section 164 Cr.P.C. together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be



enlarged on bail in connection with Bairiya P.S. Case no. 154 of 2020
on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the learned
VIIth Additional District and Sessions Judge -cum-Special Judge
(POCSO), Bettiah, West Champaran.

(Partha Sarthy, J)

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