

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61975 of 2021**

Arising Out of PS. Case No.-305 Year-2020 Thana- BASANTPUR District- Siwan

Afjal Alam S/o Moharram Mian Resident Chhoti Lakari Tola- Mahuanee,
P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey

For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 15-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Basantpur P.S. Case No. 305 of 2020, registered for the offence under Section 363, 366(a), 34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, this petitioner kidnapped the minor daughter of the informant.

It is submitted on behalf of petitioner that though, the alleged occurrence is said to have taken place on 03.07.2020, but the F.I.R. has been lodged on 16.07.2020 and there is no explanation for the delay. It is further submitted that daughter of the informant is major, so POCSO Act would not be applicable in this case. Petitioner is in custody since 28.06.2021.



However, learned A.P.P. for the State opposed the bail petition and submitted that during course of investigation, the victim girl was examined and in her statement recorded under Section 164 Cr.P.C., she has supported the prosecution case and stated that this petitioner kidnapped her, took her to Punjab and forcibly made physical relation with her.

Considering the aforesaid facts and circumstances as well as statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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