

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64485 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- KUMAR KHAND District- Madhepura

Md. Sarfaroze @ Chhotu Son of Md. Alauddin @ Alodhi Miyan, R/v-
Sukhasan, Ward No.- 2, P.S.- Kumar Khand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Punita Kumari Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-12-2022 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
Kumar Khand P.S. Case No. 171 of 2022, lodged under Section
366(A) of the Indian Penal Code read with Section 8 of POCSO
Act.

As per prosecution case, the allegation against the
petitioner made by the father of informant is to elope her
daughter, upon query there is no trace, when the informant
reached to the father of petitioner, it was informed by the father
of petitioner that he was also not come since night, subsequently
his Mobile was also switched off then the present case has been
filed.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. She further

submits that the present case has been filed by the father of the informant to put pressure upon the poor labour. She also submits that upon recovery, the victim has narrated statement under Section 164 of Cr.P.C. under the influence of her family. Learned counsel further submits that the age of victim is between 17 to 19 years, therefore, POCSO Act shall not be attracted in this case. She also submits that antecedent of petitioner is clean, he is in custody since 16.05.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the girl was recovered and recorded her statement under Section 164 of Cr.P.C. and narrated the entire event, by which it transpires that offence of kidnapping took place.

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 stands rejected.

Learned Trial Court is directed to expedite the trial within 8 months.

(Dr. Anshuman, J.)

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