

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6867 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- BAIRIYA District- West Champaran

SAJJAD ALAM @ SEHZAAD ALAM Son of Bhikari Miyan R/O village -
Bhathauli, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Bairiya P.S. Case No.140 of 2022 dated 14.05.2022
registered for the offence/s punishable under Section/s 366A,
376 read with Section 34 of the Indian Penal Code and
Section/s 4 and 6 of the POCSO Act.
3. The main submissions advanced by the
learned counsel for the petitioner are that as per the FIR the
alleged occurrence of kidnapping took place on 06.05.2022 but
the FIR was registered on 14.05.2022 i.e. eight days after the
occurrence and the same has not been properly explained, the
allegation of rape is completely false and during investigation
the Investigating Officer did not inspect the alleged hotel at



where the victim was taken and raped by this petitioner, in fact the so-called victim and her family members wanted to marry the victim to the petitioner on account of which pressure was created by filing the instant case. Further submission is that the allegation of rape has not been established by the medical evidence in which no evidence of sexual assault was found by the doctor concerned. Further submissions are that after the institution of the FIR, the victim retracted her earlier version by filing a petition before the trial Court vide Annexure-3, though in the said petition she alleged the offence of rape having been committed with her but she revealed in the said petition that the offence was committed by some other person and at his instance she named this petitioner in the FIR and moreover the petitioner is a very young person having fair and clean antecedent and has been languishing in jail since 10.11.2022 and he himself surrendered before the Court below and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly the petitioner's fair and clean antecedent as well as his young



age and Annexure-3 by which the victim as well as her mother denied the allegation of rape against this petitioner and also taking into account the completion of investigation against him, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Bairiya P.S. Case No.140 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

sangam/-

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

