

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12457 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- RAXAUL District- East Champaran

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SOHRAB DEWAN S/O MAMUL DEWAN @ EMAMUL DEWAN @
AIMAMUL DEVAN R/v- Akaderwa, Ward No. 8, P.S.- Raxaul (Haraya O.P.),
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP
For the Informant : Mr. Vishwajit Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Raxaul (Haraiya O.P.) P.S. Case No. 393 of 2022 registered for the offence under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act and Section 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in custody since 09.08.2022.

The allegation against the petitioner is to kidnap minor daughter of the informant, aged about 16 years, for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that out of local acquaintance, petitioner along with victim visited the nearby temple of *Mansa Mai* at Raxaul, where, out of misconception, some local boys called media persons and also causing arrest of this petitioner, who is blind person. It is submitted that from statement of victim, as recorded under Section 164 of the Cr.P.C., the allegation of kidnapping and sexual assault cannot be gathered. It is also pointed out that as per medical report, the victim was alleged to be found major as her age was assessed, as about 19 years. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that specific allegation as regard to kidnapping is against this petitioner.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault cannot be gathered from the statement of victim, as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody



since 09.08.2022, let the petitioner, above named, is directed to be released on bail in connection with Raxaul (Haraiya O.P.) P.S. Case No. 393 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, Motihari, East Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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