

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23055 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- SRINAGAR District- West Champaran

SHAMSHER ALAM @ SHAMSE ALAM SON OF RAUF ALAM @ RAUF
KHAN R/O VILLAGE- PUJAH, PATJIRWA, P.S.- SRI NAGAR,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable u/s 366A/34 of the IPC and 8 and 12 of the POCSO Act.

3. Allegedly, the 15 years old daughter of the informant has been kidnapped by accused persons including the petitioner with the intention to marry.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is further submitted that the statement of the victim was



recorded u/s 164 Cr.P.C., in which, she has not supported the prosecution case. It is further submitted that though it has been alleged that the victim is a minor but the prosecution has failed to examine the age of the victim by the Medical board. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the statement of the victim u/s 164 Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Srinagar P.S. Case No.103/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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