

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36358 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- HARLAKHI District- Madhubani

Sakir Khan, Son of Md. Hakim Nadaf, Resident of Village - Karuna, P.S. Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the informant states that his 17^{1/2} year old daughter went missing from home. She took along with her Rs. 1.6 lacs in cash, Aadhar Card, school certificates etc. The informant states that on inquiry it transpired that the petitioner had given her a mobile phone and used to talk to her from a Nepali number. On making inquiries, the informant was threatened at the petitioner's place.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. As per



the contents of F.I.R. itself it would transpire that the daughter of the informant who was 17^{1/2} years old went from her home on her own taking besides other articles Rs. 1.6 lacs in cash as also her Aadhar Card and school certificates. It is further submitted that the F.I.R. was registered after a delay of four days and received in Court on the very date that the alleged victim was recovered in the company of the petitioner roaming about near some border. The petitioner is in custody since 10.2.2022 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

In her statement under section 164 Cr.P.C., the daughter of the informant has only stated to the effect that while she was going for studying, two boys including the petitioner misbehaved with her.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the contents of the F.I.R. according to which it is stated by the informant that his daughter took away Rs. 1.6 lacs in cash, Aadhar Card and school certificates along with her, both the petitioner and the informant being found roaming about near the Harlakhi border, the petitioner having



remained in custody for 11 months since 10.2.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Harlakhi P.S. Case no. 36 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 the learned Additional District and Sessions Judge-VII-cum-Special Judge (POCSO Act), Madhubani.

(Partha Sarthy, J)

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