

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36240 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- BANMANKHI District- Purnia

Md Faraj@Faraj Ahmad@Faraz Son Of Jamshed Alam @ Md. Jamshed
Resident Of Village- Darji Patti, Ward No. 10, Ps- Banmankhi, Distt- Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Special Case No. 27 of 2023 arising out of Banmankhi P.S. Case
No. 412 of 2022 dated 28.04.2023 lodged under Sections 363,
365, 504, 506/34 of the I.P.C.

4. As per the prosecution case, the informant has
alleged that his daughter become traceless from his house and
allegation has been made against the petitioner that the
petitioner has threatened to the informant and therefore, the
informant has faith that in the kidnapping of the informant's
daughter, the involvement of the present petitioner is there.

There were two named accused persons in the present case including the present petitioner.

5. Learned counsel for the petitioner submits that the entire prosecution story is out and out false. Counsel submits that the alleged victim has been recovered and she has narrated her statement before the Learned Magistrate in which she has confessed that she is student of B.A. and she herself left her house to Hyderabad to where she reached Purnea and from Purnea, she reached Bagdogara and from Bagdogara, she reached to Hyderabad. Subsequently, she was returned back to the Purnea in which she has confessed that no force was used against her.

6. Counsel further submits that petitioner is in custody since 30.11.2022 having clean antecedent. Counsel also submits that from the report of the doctor, it is clear that the age of the victim is more than 20 years.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the POCSO Act is added in this case. He also submits that the girl is minor as mentioned in the F.I.R.. He submits before the Court that the age

of 17 years has come in statement of Section 164 of Cr.P.C.

9. Counsel submits that charge-sheet has already been framed in this case. Counsel submits that though POCSO Act has been added in this case therefore, his bail should be rejected.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions 06th (POCSO Act), Purnea in connection with Special Case No. 27 of 2023 arising out of Banmankhi P.S. Case No. 412 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

11. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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