

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36330 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- BEUR District- Patna

Token Sheikh, Son of Chotu Sheikh @ Chhatu Sk, R/O- Vill-Mahisar, P.S.-
Khargram, Dist.- Murshidabad, West Bengal-742147

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hans Raj, Advocate Mr. Ravi Kumar, Advocate Ms. Sunita Kumari, Advocate
For the State	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Thakur Brajesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 366A of the Indian Penal Code. On investigation charge-sheet was submitted also under section 4 of the POCSO Act.

As per the prosecution case, the daughter of the informant who was attending coaching classes disappeared and was not to be found inspite of search. On inquiry, the informant states that it transpired that some boy had taken her away.

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



course of investigation. The daughter of the informant who is a major returned home. Both the petitioner and the informant's daughter had performed marriage willingly. The petitioner is in custody since 8.12.2021, has no criminal antecedent and charge-sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that in her statement under section 164 of the Cr.P.C, the 16 year old minor daughter of the informant has made direct allegations against the petitioner that she was kidnapped by the accused persons after making her unconscious by giving her an injection. She was taken to another city by train where the petitioner forcibly married her and also forcibly established physical relations with her.

The application is also opposed by learned A.P.P for the State who submits that there is direct allegation against the petitioner and the same has been supported by the minor victim in her statement under section 164 of the Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation especially the contents of the statement of the 16 year old minor daughter of the informant



under section 164 of the Cr.P.C wherein direct allegations have been leveled against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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