

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49655 of 2023

Arising Out of PS. Case No.-1282 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Md. Sohrab Alam @ Samir, Son of Kamrul Hoda, Resident of Village-
Chhattergachh (Chhatar Gachh), Ps- Paharkatta, Distt- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with K. Hat (Sahayak) P.S. Case No.1282 of 2022 registered for
the offences punishable under Sections 363 and 366-A of the
Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 29.11.2022

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 16 years along with
named co-accused persons for the purpose of illicit
intercourse/marriage.

5. It is submitted by learned counsel that petitioner
has been falsely implicated with present case as his love affairs



with alleged minor daughter of informant was not accepted by her family members including informant. It is submitted that nothing can be gathered from the statement of victim as recorded under Section 164 of the CrPC that she was kidnapped or was assaulted sexually, rather it appears that she went on her own with this petitioner to nearby park, where present implication appears for the reason that petitioner belongs to different religion. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as victim completely negated allegation of sexual assault and kidnapping through her statement recorded under Section 164 of the CrPC, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.11.2022, accordingly, the petitioner, above-named, is directed to be released on bail 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-6th-cum-Special Judge (POCSO Act), Purnea in connection with K. Hat (Sahayak) P.S. Case No.1282 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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