

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50265 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- GAUNAHA District- West Champaran

INJUL HAQUE S/o Jajul Shekh R/o Village - Mahuabusa, P.S.- Gaunaha,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 02-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Gaunaha
P.S. Case No. 221 of 2021 registered for the offences punishable
under Sections 366A/34 of the Indian Penal Code and under
Section 8 of the POCSO Act.

As per prosecution case, there is allegation against
the petitioner that he kidnapped the minor daughter of informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.06.2022 and bears one criminal
antecedent in which he is on bail. He further submits that as per
the medical examination board the age of victim is 17-19 years.
Petitioner is quite innocent and has committed no offence as



alleged against him in FIR and he has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by contending that as per the version of the FIR the victim is kidnapped by the petitioner who is minor and the petitioner also established physical relation with the victim and the same is corroborated by the statement of victim recorded under Section 164 of Cr.P.C..

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with statement of victim recorded under Section 164 of Cr.P.C. as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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