

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56398 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- MAHESI District- East Champaran

Ali Raj Son of Md. Muslim Miya @ Md. Muslim R/V- Bathna, P.S- Mahesi,
Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. With
	:	Mr. Om Prakash Singh, Adv
	:	Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :		Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Mahesi P.S. Case No. 220 of 2022 lodged under Sections 363,
366(A) of the I.P.C. read with Section 8 of POCSO Act.

As per the prosecution case, the specific allegation
has been made by the informant against the 7 named accused
persons including the petitioner that they have kidnapped
informant's daughter with a view to marry and upon query they
have started putting pressure and threatened not to file criminal
case.

Learned counsel for the petitioner submits that the victim has been recovered and she has narrated her statement under Section 164 of Cr.P.C. before the learned Court. By virtue of the statement under Section 164 of Cr.P.C., the prosecution story collapsed. Counsel for the petitioner submits that petitioner is a man of clean antecedent and he is in custody since 14.07.2022. He submits that the entire case has been filed only on suspicion and with a view to create unnecessary pressure.

Learned counsel for the petitioner further submits that the date of occurrence is of 5th July, 2022 as it transpires from the date of F.I.R. but admittedly, F.I.R. has been lodged on 13.07.2022 and delay has not been explained.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that Section 8 of POCSO Act as well as allegation of kidnapping is there.

Learned counsel for the State opposes the prayer for bail.

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 7th ADJ -cum- Special Judge, POCSO

Act, East Champaran, Motihari in connection with Mahesi P.S.
Case No. 220 of 2022 , subject to the conditions as laid down
under Section 437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

prakashmani/-

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