

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60593 of 2022**

Arising Out of PS. Case No.-111 Year-2022 Thana- NIRMALI District- Supaul

MD. SULTAN S/o Alauyddin @ Alaudin R/o village- Lalmaniya, P.S.-
Marouna, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A), 370, 376(3)/34 of
the Indian Penal Code and Section 4 of the POCSO Act and
Section 3(2)(v), 3(2)(va) of SC/ST Act.

According to prosecution case, in brief, is that on the
date of alleged occurrence i.e. on 25.04.2022, at about 5:30
P.M., informant's minor daughter had gone to purchase
medicine from the medical store at Ambedkar Chowk but did
not returned home till 7:30 PM. Thereafter, informant and others
started searching his daughter and reached Ambedkar Chowk



but did not found his daughter. Subsequently, informant, inquired from his near-dear and relatives but no clue was fetched. After vigorous search, informant came to know that his daughter had been kidnapped by Md. Sultan at 6:00 PM on 25.04.2022. Md. Sultan has friendship with Chhedi Choudhary and they use to operate 'orchestra' and usually remain out of their home. They used to deploy minor poor girls in their Orchestra team and dealing in trafficking of such girls. When the informant reached house of Md. Sultan, he found that Md. Sultan was also out of his home since 25.04.2022, when informant attempted several times to contact Md. Sultan on his mobile, he declined informant's call every time. After some time informant received a call on his mobile phone No. 7368802437 from mobile No. 7050877246, through which his daughter had talked to him and told him about her kidnapping by Md. Sultan. She also told her location in Delhi.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the statement of the victim girl which was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. is contradictory to each other. He further submits that



co-accused has already been granted regular bail.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has committed rape upon the victim and the statement of the victim which was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. fully supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 40 of 2022 arising out of Nirmali P.S. Case No. 111 of 2022 pending in the court of learned A.D.J.-VI-cum-Special Judge, POCSO Court, Supaul.

Prayer is refused.

(Rajesh Kumar Verma, J)

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