

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59318 of 2023

Arising Out of PS. Case No.-1124 Year-2022 Thana- SHERGHATI District- Gaya

GUDDU MALLAH @ GUDDU KUMAR S/O LALAN MALLAH R/O
VILLAGE- PARADIYA, PS. RAUSHANGANJ, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sherghati P.S. Case No. 1124 of 2022 registered on 03.12.2022 lodged under Sections 366-A of the I.P.C. and Section 7, 8, and 9 of the POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged against the present petitioner to whom there is allegation of abducting the minor girl is there in the F.I.R.

4. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 17.03.2023 having clean antecedent. He further submits that vide order dated 04.09.2023 this Court has pleased to call the case diary along with the statement of section



164 of the Cr.P.C.

5. Learned counsel for the State opposes the prayer for bail and submits that in the order sheet, there is indication in the rejection order that statement under Section 164 and Section 161 of the Cr.P.C., the victim has categorically stated that victim was forcefully abducted by the petitioner.

6. Upon going through the Statement of victim under Section 164 of Cr.P.C., it is clear that this kidnapping was made forcefully but it has been also come in the statement that no wrong has been done to the victim.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner but liberty is given to the petitioner to renew his prayer for bail four months after framing of charge and upon moving Court below, the Trial court is directed to release the petitioner on bail imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J)

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