

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68838 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- GOPALPUR District- West Champaran

SHEIKH EMAMUL @ SHIKH EMAMUL ALAM S/O SEIKH KARI
RESIDENT OF VILLAGE- BAISAKHWA, P.S. GOPALPUR, DIST. WEST
CHAMPARAN AT BETTIAH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gopalpur P.S. Case no.35 of 2023 registered under sections 366, 366A, 379, 384, 504 and 34 of the Indian Penal Code in which chargesheet has been submitted under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner who happens to be the son-in-law of the informant kidnapped his other minor daughter. It is further stated that the petitioner also threatened the informant against lodging any case.

4. Learned counsel for the petitioner submits that the petitioner who happens to be the son-in-law of the informant has



been falsely implicated in the case. Referring to the order of the learned trial Court, it is submitted that the date of birth of the alleged victim as per her school certificate is 1.1.2005 and thus on the date of occurrence ie 12.2.2023, she was a major. It is further submitted that the petitioner, as permitted by law, has performed second marriage/nikah with the alleged victim which would also be evident from the order of the learned trial Court. The petitioner is in custody since 26.4.2023 and chargesheet has been submitted in the case. He has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the submissions made on behalf of the petitioner with respect to her being major on the alleged date of occurrence, the contents of the statement of the victim girl under section 161 Cr.P.C. as mentioned in the order of the learned trial Court wherein she herself states that she fell in love with the petitioner and ultimately they performed nikah in Bahuari Masjid together with the petitioner having remained in custody since 26.4.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Gopalpur P.S. Case no.35 of 2023 on furnishing bail bond of



Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Special Judge,
POCSO-cum-A.D.J. VI, West Champaran at Bettiah.

(Partha Sarthy, J)

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