

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69756 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- SIKARPUR District- West Champaran

Jamshed Sheikh Son of Aurangzeb @ Aurangzeb Sheikh @ Aurang Jev
Resident of Village- Hasnapur, P.O.- Rakhahi, P.S.- Shikarpur, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Shikarpur P.S. Case No. 406 of 2022 dated 16.05.2022
registered for the offences punishable under Sections 363,
366(A)/34 of the Indian Penal Code and Sections 8/12 of
POCSO Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is not named in
the FIR, as a matter of fact the informant fixed the marriage of
the so-called victim against her will and therefore the victim left
the informant's house according to her own will and fled away
and reached Hyderabad and contacted the petitioner and when



the petitioner came to know about the entire incident he convinced the girl to go back to home and thereafter the so-called victim returned back to her home town and during investigation the victim had recorded her statements under sections 161 and 164 of Cr.P.C. in which she did not make any allegation against the petitioner and copy of victim's statement recorded under section 161 of Cr.P.C. has been filed as Annexure-2. Further submissions are that as per medical examination report of the victim no sign of any sexual assault on her was found by the medical expert and the petitioner is a very young person and has been languishing in jail since 23.06.2022, though custody of the victim girl has been granted to the father but with the consent of both the families she is presently residing with the family of the petitioner and regarding the said fact a supplementary affidavit has been filed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly petitioner's young age and also the facts that the so-called victim has been recovered and she has recorded her statement before the investigating officer vide Annexure-2 in which she did not make any allegation against the petitioner and as per submission



she also did not make any allegation against the petitioner before the Judicial Magistrate and the petitioner has fair and clean antecedent, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Shikarpur P.S. Case No. 406 of 2022.

(Shailendra Singh, J)

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