

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9353 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- SIKARPUR District- West Champaran

Munna Dewan @ Munna Sai, Gender-Male, aged about 19 years, Son of Kalamuddin Dewan @ Salauddin Sai @ Kalamdin Dewan, Resident of Village- Bishunpurwa Ps- Shikarpur District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Shikarpur P.S. Case No. 597 of 2023 instituted for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Sections 8, 12 of the POCSO Act and Sections 3 (i) (r) (s) of the SC/ST Act.

3. As per the prosecution case, accused persons including the petitioner had abducted the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He next submits that the



occurrence has taken place on 12.07.2023 and the information regarding the occurrence was given to the police on 16.07.2023, which is after about four days of delay and there is no any plausible explanation in this regard. Petitioner and the daughter of the informant was knowing each other from a long ago as both of them were neighbor and friend. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 09.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also perused the impugned order dated 07.12.2023 passed by the learned 7th Additional Sessions Judge-cum-Special Judge POCSO Act, West Champaran, Bettiah, Bihar, it appears that the victim girl in her statement recorded under Section 161 of the Cr.P.C. and under Section 164 of the Cr.P.C. has stated that she has voluntarily went to Gorakhpur with the petitioner. It is also admitted that consensual sexual relation has been made with the petitioner but statement under Section 164 of the Cr.P.C. that the age of the victim is 16 years and petitioner is a major.

7. Considering these facts and circumstances of the case, including specific allegation against the petitioner and the victim statement recorded under Section 164 of the Cr.P.C., I am



not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order. However, if the trial is not concluded within the stipulated time, the petitioner shall have a liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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