

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8983 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- GOPALPUR District- West Champaran

Ibran Mian @ Ibran Miyan S/O Saheban Mian @ Saheb Jan Mian Village-
Chhardwali, Ps. 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. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code and Sections 8 and 12 of the POCSO Act, wherein charge sheet has been submitted under Sections 366A and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per allegation in the FIR, the petitioner is alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case, he has got clean antecedent as stated in para-3 of the petition and he is in custody since 17.02.2023.



5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, case diary, statement under Sections 161 and 164 of the Cr.P.C. and impugned order dated 01.11.2023, it appears that in 164 statement of the victim that the victim stated about her age is 13 years and her age assessed by the learned Magistrate as also medical board is 16 years and on perusal of the statement of the victim girl recorded under Sections 161 of the Cr.P.C., the victim clearly stated that the petitioner is three times made physical relationship with her, considering which, I am not inclined to grant bail to the petitioner.

7. The prayer for bail of the petitioner is hereby rejected.

8. However, the 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.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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