

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38098 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- GOPALPUR District- West Champaran

Sheikh Nasim, aged about 22 years, Male, Son of Sheikh Harun, Resident of
Village-Baisakhwa, P.S- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Mahato,, aged about 46 years, Son of Late Shankar Mahato,
Resident of Village- Baisakhwa, P.S.- Gopalpur, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Vikash Kumar Shukla, Advocate

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

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 154 of 2023 instituted for the offences
punishable under Sections 295(A), 363, 364, 365, 366A, 368/34
of the Indian Penal Code and Sections 8 of the POCSO Act.

3. As per the allegation in the FIR, all the FIR named
accused persons including the petitioner has kidnapped the
daughter of the informant and hidden her in some unknown
place.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case merely on the basis of suspicion. He



further submits that the occurrence took place on 25.07.2022 and the complaint was filed on 16.12.2022. He next submits that the informant's daughter being major and has left her house out of her own sweet will. He submits that the entire allegation against the petitioner is false and fabricated and there is no any eye witness to the alleged occurrence, only on the basis of suspicion he along with his parents has been made accused in this case. Petitioner is in custody since 29.02.2024.

5. Learned APP for the State and learned counsel for the informant have appeared. Learned counsel for the informant has submitted that a compromise petition has already been filed before the learned trial Court.

6. From perusal of the FIR, case diary, medical report and impugned order of the learned Special Judge POCSO-cum-A.D.J.-VI, West Champaran, Bettiah dated 29.04.2024, it appears that petitioner is named in the FIR. From perusal of the case diary along with the medical report and the statement of the victim girl recorded under Section 164 of the Cr.P.C., it appears that she fell in love with the petitioner since six years ago and they have been talking with each other on mobile phone and wanted to solemnize marriage but the family members of the victim girl wanted to solemnize her marriage to some other



place. Certify copy of the deposition of the informant and his daughter recorded in Gopalpur P.S. Case No. 33 of 2021 is being annexed herewith and marked as Annexure-2 in the petition. There is compromise took place between the parties and P.W. 2, namely Shambhu Mahto (father of the victim girl) states that he has no complain against the present petitioner and also admitted that the age of the victim girl appears to be 19-20 years and denied all the allegation levelled against the petitioner. P.W. 1, victim girl is also examined and she has no complain against the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO-cum-ADJ-VI, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 154 of 2023.

(Ramesh Chand Malviya, J)

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