

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71837 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- CHIRAIYA District- East Champaran

Irfan Alam @ Irfan Alam Son Of Md. Woshi Akhtar Resident Of Village-
Parei, P.S.- Shikarganj, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for regular bail has been filed by the petitioner registered for the offence punishable under Sections 366(A), 34 of the Indian Penal Code, Section 4, 8 of the POCSO Act and Section 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. As per allegation in the FIR, while the minor daughter was returning from school, Petitioner in connivance with five other accused persons abducted her. It is further alleged that on 3.8.2023, informant's wife received a telephonic call of the petitioner in which he has disclosed about abduction of her daughter by him.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. There is love affair between the petitioner and daughter of the informant and they are in talking term as per her deposition. In para 17 of the case diary her statement was recorded u/s 161 Cr.P.C. in which she has disclosed that due to scolding by her parents, she became angry and she left her house and went to Motihari Railway Station with some money where she spent 2-3 days but in 164 Cr.P.C. she has given totally different version. She has deposed that petitioner has threatened her to face dire consequences if she not went with him to Delhi. She went to Delhi with the petitioner and on same day she returned from Delhi with him and on 7.8.2023, petitioner dropped her nearby Police Station. In 164 Cr.P.C. she has not made allegation of specific overt act or physical misbehave with her against the petitioner. Both of her statements are contradictory. Petitioner has got no criminal antecedent and languishing in judicial custody since 23.8.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Chiraiya (Shikarganj) P.S. Case No. 375 of 2023.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

