

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- BIHRA District- Saharsa

Md Israiel @Chotka Mian S/O Md. Rasul @RASUL Mian R/O Village-
Bijalpur, Ward No. 4, P.S.-BIHRA, District-Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balkrishna Mishra, Advocate
For the State	:	Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Balkrishna Mishra, learned counsel for the

petitioner and Mrs. Veena Kumari Jaiswal, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Bihra P.S. Case No. 173 of 2023, F.I.R. dated 02.09.2023 for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code and Sections 8 & 12 of the POCSO Act.

3. According to prosecution case, petitioner along with other co-accused person is said to have kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further



submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the F.I.R is 06.08.2023 but the present F.I.R was instituted on 02.09.2023 i.e. after delay of about 26 days without giving any explanation of the said delay.

5. The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and there is direct and specific allegation against the petitioner that he has abducted the daughter of the informant and till date the victim girl is not recovered. As per the Aadhar Card of the victim girl, her date of birth is 01.01.2008 which suggests that the victim was minor at the date of the occurrence.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Bihra P.S. Case No. 173 of 2023 pending in the court of learned Additional Sessions Judge VI-cum-Exclusive Judge (POCSO) Saharsa.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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