

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60860 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- SIKARPUR District- West Champaran

Gurej Alam son of Thagai Alam village- Maheshpur, Ps- shikarpur, Dist- West
champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Nandu Sahani R/o- Village- Maheshpur, Ward no.13,
P.S- Shikarpur District- West champaran. Pin- 845454

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 16-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 366 and 365
of the Indian Penal Code.

3. The case of the prosecution is that the minor
daughter of the informant who is aged about 16 years has gone
to attend call of nature when she did not return for a
considerable time she was being searched by informant and her
family members. It has further been alleged that some days
before the occurrence, this petitioner was in talking terms with
the daughter of the informant and he has also given her a mobile



and the informant objected regarding this relation. The informant believes that this petitioner has taken away the daughter of the informant along with cash of Rs. two lakhs fifty thousand and golden ornaments.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During course of investigation, the victim has given her statement under section 161 Cr.P.C. wherein she stated that she was in talking terms with the petitioner and she has planned to flee away with this petitioner out of her own sweet will to Narkatiaganj from there they went to Muzaffarpur. There are two statements of the victim under Section 161 and 164 of the Cr.P.C. and both the statements are contradictory. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 28.05.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail. Learned counsel for the informant stressed much on the statement of the victim recorded under Section 164 of the Cr.P.C. wherein she has stated that this petitioner is neighbour of



the victim and he has made obscene video of the victim and is threatening her of making it viral. She further stated that he has established physical relation with her on the basis of said video.

6. Having heard learned counsel for the parties and considering the fact that there is much contradiction in the statements of the victim recorded under Sections 161 and 164 of the Cr.P.C., this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shikarpur P.S. Case No. 348 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VIIth cum Special Judge (POCSO) Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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