

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80464 of 2024**

Arising Out of PS. Case No.-389 Year-2022 Thana- AURANGABAD TOWN District-  
Aurangabad

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Md. Javed Khan S/o Late Dulare Khan R/o Village- Shahganj, PS- Town,  
Distt- Auragabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Samseer S/o- Late Pyare Navi R/o-Navadih Teli Mohalla, PS and  
District- Aurangabad

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mahendra Prasad Verma, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

5      19-02-2025                      Heard learned counsel for the petitioner and learned  
  
APP for the State. No one appears on behalf of the O.P. No.2.  
  
Perused the case diary.

2. The petitioner seeks bail in connection with  
  
Aurangabad Town P.S. Case No. 389 of 2022 instituted for the  
  
offences under Sections 363/365/34 of the Indian Penal Code  
  
and Section 8/12 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner  
  
enticed the minor victim girl and carried away with him and  
  
handed over her to a lady Sanju Devi who carried away her to  
  
Dehri Railway Station to go to Mumbai but, it is alleged that the  
  
police recovered the victim girl from Dehri Railway Station



with the co-accused Sanju Devi. The allegation against the petitioner is of being involved in human trafficking.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. He submits that the date of occurrence is 29.06.2022 at 8.00 PM but, the F.I.R. was lodged on 30.06.2022 i.e. on the next day at 11.10 AM which creates doubt in the prosecution case. There is not a single independent witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner or from his house. The medical report does not support the prosecution case as the doctor has opined that it is very difficult to say whether the victim has undergone sexual act/sexual assault. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.06.2022 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.



The co-accused Sanju Devi in her confessional statement has supported the prosecution case. The petitioner has also confessed his guilt in his confessional statement. Several witnesses have supported the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail. Charge-sheet has also been submitted against the petitioner under Sections 363/370/365/328/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

**(Rudra Prakash Mishra, J)**

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