

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50865 of 2014

Arising Out of P. S. Case No. -26 Year- 2014 Thana -KURTHA District-
JEHANABAD

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Shiv Paswan @ Shiva Paswan son of Sri Ramashish Paswan, resident of
village- Khajuri, P.S. Karpi, District- Arwal

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Opposite Party/s : Mr. Subash Chandra Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

6 18-03-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 366-A of IPC.

The prosecution case, in brief, is that on the pretext
that Mausi of the victim has called her, the informant allowed her
minor daughter to accompany the petitioner. Later on, she came to
know that the petitioner has not taken the victim to her Mausi.
Thereafter, the case has been lodged.

Learned counsel for the petitioner submits that the
date of occurrence is 12.11.2013, whereas, the complaint case has
been filed on 17.12.2013. There is inordinate delay in filing the
complaint case. He has also submitted that the petitioner is

handicapped by 90 per cent in his lower limb. He has further submitted that the victim has been kept secretly by the informant herself to avoid the payment of Rs.20,000/- which was borrowed by her from the petitioner, who has been in custody since 5.9.2014 having no criminal antecedent.

Learned counsel for the State submits that the petitioner has enticed away the victim, minor girl aged about 15 years on false pretext and she is still traceless. During investigation, the witnesses have supported the prosecution case and a joint photograph of the petitioner and the victim has been found. During investigation, the petitioner has not raised that he is handicapped by 90 per cent. After investigation, the case has been found true and the charge-sheet has already been submitted.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail. His prayer for bail is rejected.

Let the trial be expedited.

(Amaresh Kumar Lal, J)

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