

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32849 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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1. Fulen Yadav @ Fulena Yadav Son of late Harkeet yadav Resident of
Village -Simaria Chanan, P.s Barauni, district Begusarai.. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1

For the Opposite Party/s : Mr. Pradip Narayan Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 09-11-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Barauni P.S.
Case No. 72 of 2015 registered for the offences punishable under
Section 363 of the Indian Penal Code and Sections 34 of POCSO
Act.

Allegedly, Shilpi Kumari aged 8 years, the daughter of
the informant was missing from her house and in course of search
the informant came to know from Pramod Rai that Shilpi Kumari
was seen along with the petitioner going towards village Simaria
Chanan and the petitioner was not present in his house and
accordingly, the written report was submitted. During course of
investigation Shilpi Kumari was recovered with the petitioner by
the Police and she in her statement recorded under Section 164
Cr.P.C. has stated as to how she was taken by the petitioner on his

bicycle and how he provided clothes, slipper, hair clip etc.

Submission is of false implication and that the victim was weeping and the petitioner was there and he has been arrested resulting he is suffering in custody since 02.03.2015 having no criminal antecedent.

Learned APP opposes the prayer of bail by submitting that luckily the petitioner was caught and the victim was recovered. The statement of the victim recorded under Section 164 Cr.P.C. is sufficient to show as to how she was kidnapped by the petitioner.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within six months, failing which the petitioner may be at liberty to renew his prayer of bail.

(Jitendra Mohan Sharma, J)

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