

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26541 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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Pawan Kumar Mahto @ Pawan Kumar Singh Son of Ram Bilash Mahto,
resident of village - Bathnaha, Police Station Phulparas, District -
Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Smt. Pronati Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-08-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in G.R. No.02 of 2016 arising out of Babubarhi P.S. case No.04 of 2016 instituted for the offence under Section 366(A) of the Indian Penal Code and Section 4 of the POCSO Act, pending in the court of learned 1st Additional Sessions Judge, Madhubani.

The prosecution case, in brief, is that in the evening of 5.1.2016 the informant's daughter Babita Kumari, aged about 16 years, had gone for natural calls towards eastern side of her house but she did not return back. The informant tried to search her out but could not found. On 8.1.2016 one Deo Narayan Yadav informed him that he had seen the petitioner going with his daughter on a motorcycle. So he suspects that the petitioner has kidnapped his daughter for some ulterior motive.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 6.3.2016 and the charge sheet has already been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. There is no medical examination report to support the allegations made by the victim in her statement recorded under Section 164 Cr.P.C.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. and the victim has made specific allegation in her statement recorded under Section 164 Cr.P.C. alleging that she has been raped by the petitioner. The witness in paragraph 5 of the case diary has supported the prosecution case stating that he had seen the petitioner taking victim along with him.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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