

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48491 of 2015

Arising Out of PS.Case No. -264 Year- 2014 Thana -SITAMARHI District- SITAMARHI

1. Subodh Paswan Son of Feran Paswan resident of village - Punaura, Tola
- Wannaudhiya, Ward No. 11 P.S. & District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

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

3 16-03-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 363, 366 (A) and 376 of the I.P.C and
section 4 of the POCSO Act.

Allegedly, the petitioner kidnapped Kiran Kumari,
aged 12 years, the daughter of the informant and during
investigation the victim was released and she gave her statement
wherein she has stated that during the captivity the petitioner
committed rape with her.

Submission is of false implication and that the
occurrence is of 24.03.2014, whereas, the First Information Report
was lodged on 02.04.2014 and for that no explanation has been

given, the victim has been examined by the doctor but no sign of rape has been found and the doctor found the age of the victim about 18 years, the petitioner is suffering in custody since 06.04.2014 having no criminal antecedent.

The learned A.P.P. seriously opposes the prayer for bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with S.Tr. No. 548 of 2014 arising out of Sitamarhi P.S. Case No. 264 of 2014/ G.R. No. 1152 of 2014 pending in the court of 1st Additional District & Sessions Judge- Cum- Special Judge, Sitamarhi.

However, considering detention of the petitioner the learned trial Judge is directed to expedite the trial and to conclude the same as per amended proviso of section 309 Cr.P.C. after keeping the same on day to day basis.

(Jitendra Mohan Sharma, J)

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