

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44115 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -KOTWALI District- PATNA

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Rajesh Kumar, Son of Ram Khelawan Paswan, Resident of Mohalla-Kamla
Nehru Nagar, P.S.-Kotwali, Dist-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Special
(POCSO) Case No. 55 of 2017 arising out of Kotwali P.S. Case
No. 83 of 2017 for offences punishable under Sections 363,
366(A) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his eight year old daughter suddenly fell sick and was
hospitalized, the petitioner along with his mother came to his
house and took away his elder daughter Sabana Khatoon aged 14
year on the pretext of taking her to the hospital and married her.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He bears no criminal antecedent and the victim girl also her statement under Section 164 Cr. P.C. has not alleged of any overt act by the petitioner. He submits that charge-sheet has already been submitted and he is languishing in judicial custody since 01.03.2017.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the victim girl was a minor as assessed by the Magistrate to be of 14 years and she has stated in her statement under Section 164 that she was abducted by the petitioner and taken to another place and marriage was performed forcefully.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Special (POCSO) Case No. 55 of 2017 arising out of Kotwali P.S. Case No.83 of 2017, pending in the court of learned Additional Sessions Judge-1st, Patna.



The application is, accordingly, rejected.

However, the learned court below is directed to conclude the trial within one year. The petitioner is at liberty to renew his prayer for bail after one year if trial is not concluded by that time.

(Nilu Agrawal, J)

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