

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52290 of 2017

Arising Out of PS.Case No. -325 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Jitendra Paswan, S/o Mushahar Paswan @ Mushar Paswan, Resident of
Village-Katahan, P.S.-Muffasil Motihari, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-01-2018

The petitioner seeks bail in connection with
POCSO Trial No. 10 of 2017, arising out of Motihari Muffasil
P.S. Case No. 325 of 2016 which was originally instituted for the
offence under Sections 366A, 506 of the Indian Penal Code but
charge-sheet has been submitted under Sections 363, 366A, 376,
323 and other Sections of the Indian Penal Code along with
Section 6 of the Protection of Children From Sexual Offences Act,
2012.

The petitioner, with the help of other co-
villagers is said to have abducted a thirteen years old daughter of
the informant.

The victim has given her statement under
Section 164 Cr.P.C. in which she has stated her age to be thirty



years. However, the medical report suggests otherwise. The learned Magistrate has assessed the age of the victim as fifteen and a half years whereas the medical opinion about the age is between sixteen and a half years to seventeen and a half years.

Considering the allegations against the petitioner, this Court is not inclined to grant bail to him for the present.

This Court has further been informed that the trial of the petitioner has commenced but no witness has yet been examined. If the trial is not concluded within a reasonable period of time, the petitioner would be at liberty to approach this Court for grant of bail.

The prayer for bail is, therefore, rejected with the aforesaid observation.

(Ashutosh Kumar, J)

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