

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63450 of 2017

Arising Out of PS.Case No. -87 Year- 2015 Thana -BATH District- BHAGALPUR

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Anup Kumar Pandey, Son of Hiranand Pandey, resident of Village
Bashdiha, P.S.- Pandu, District- Palamu (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
31.07.2017 in connection with Bath P.S. Case No. 87 of 2015
for offences punishable under Sections 363, 366(A) of the
Indian Penal Code and Section 3 POCSO Act.

The prosecution case, as lodged by the informant, is
that his grand daughter is traceless from the house and it was
alleged that one Niraj Mandal must have taken away his grand



daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced only on the statement of the victim girl under Section 164 Cr. P.C. He submits that the statement of the victim girl was taken after more than a year of the said occurrence and the victim girl had earlier also absconded with co-accused Niraj Mandal with whom she had love affair. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the victim girl was forcefully taken away and the petitioner has forcibly married the minor grand daughter of the informant as per medical examination she has been found to be minor.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner in connection with Bath P.S. Case No.87 of 2015, pending in the court of learned Chief Judicial



Magistrate, Bhagalpur.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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