

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31478 of 2019

Arising Out of PS. Case No.-479 Year-2018 Thana- RAMPUR District- Gaya

PAWAN KUMAR Son of Mahendra Ram @ Mahendra Das Resident of
Village - Tilauthu, P.S.- Tilauthu, Distt - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioner and the
learned counsel for the State .

The petitioner seeks bail in Rampur P.S. case no. 479
of 2018 (POCSO case no. 23 of 2019) instituted for the offence
under Section 366A of the IPC..

In the written report, it is alleged that daughter of
informant, namely Illu Kumari, aged about 12 years, has been
abducted by this petitioner. It is further alleged that prior to this
occurrence petitioner had given threat to the informant that he
will kidnap his daughter for which the informant had made
complaint to the family members of the petitioner but, they did
not take any action.

Case diary has been received.

Statement of the victim girl recorded u/s 164 Cr.P.C.



has been annexed as Annexure-2 to bail petition, wherein, the victim girl has stated her age to be 12 years. The Court has assessed her age to be 12 years. She has stated in her statement given U/s 164 Cr.P.C. that she was kidnapped by the petitioner along with his two brothers. Petitioner took her to Patna and thereafter to Kolkata. Petitioner also established physical relationship with her. Police recovered the victim from Delhi Station.

From perusal of statement of victim girl recorded u/s 164 Cr.P.C., this Court finds that the victim girl has levelled specific allegation against this petitioner of committing rape with her. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

The petitioner is in custody since 29.12.2018.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from date of receipt of copy of this order.

(Sanjay Priya, J)

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