

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2058 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- KADWA District- Katihar

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MUKUND KUMAR BISHWAS Son of Jaggu Bishwas R/O - Bhamraili, P.S.-
Dandkhora, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the State : Ms. Anita Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Kadwa P.S. Case No. 191 of 2019, registered for the offence
punishable under Sections 376, 313, 315, 428, 120B and
Sections 4/6 of the POCSO Act.

The case of the prosecution as per the written report of
the victim minor girl is that the petitioner had laid a love trap
and trapped the informant, whereafter he had lured the
informant by promising to marry her and in the process he had
established physical relationship with her resulting in the
informant becoming pregnant, however when the petitioner
came to know about it, the petitioner had forcibly administered
medicine for the purposes of abortion of the pregnancy resulting



in the pregnancy of the informant being aborted, however, the informant is stated to have suffered from severe bleeding and then she was taken to the hospital. It is further alleged by the informant that the petitioner has cheated her by falsely promising to marry her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.8.2019. It is further submitted that the matter has been compromised, hence, the petitioner is liable to be granted the privilege of regular bail.

I have heard the learned counsel for the parties and perused the materials on record. In paragraph no. 79 of the case diary, the statement of the victim girl i.e. the informant herein, made under Section 164 Cr.P.C. before the learned Magistrate, has been mentioned, wherein she has reiterated her statement, as made in the FIR and has further stated that the petitioner has done wrong things with her, had established physical relationship as also has refused to marry her and when she had become pregnant, the petitioner had got the fetus aborted by administering medicines. The police has, upon investigation, found the allegations levelled against the petitioner to be true



and has also found that the petitioner had established physical relationship with the victim girl, aged 13 years, illegally and when she became pregnant, the petitioner had forcibly got the fetus aborted. In fact, the police has also filed a charge-sheet against the petitioner herein.

Considering the seriousness of the charges levelled against the petitioner herein as also considering the gravity of the offence alleged and taking into account the aforesaid materials available in the case diary, I do not find the present case to be a fit case for grant of regular bail, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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