

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19422 of 2020

Arising Out of PS. Case No.-31 Year-2019 Thana- CHUTIA SAHAYAK District- Rohtas

Chhotu Tiwari @ Seva @ Sera Tiwari S/o Ram Lakhan Tiwari R/o village-
Kamatana, P.S.- Amanganj, District- Pana (M.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-07-2020 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Chutiya. P.S. Case no. 31 of 2019 registered under sections 366A, 372 and 34 of the Indian Penal Code and sections 7 and 8 of the POCSO Act.

As per allegation in the F.I.R., the 14 years old daughter of the informant was kidnapped by the accused persons. It is further stated that on enquiry from the accused persons, they told the informant that he had been sold to one Chhotu Tiwari in Madhya Pradesh.

Case diary had been called for in the instant case and the same has been received.

It is submitted by learned counsel for the petitioner that the allegations against the petitioner are false and baseless. There is inordinate unexplained delay in lodging of the F.I.R., as



while the occurrence is stated to have taken place on 13.3.2019, the F.I.R. was registered on 2.9.2019. It is further submitted that the statement of the victim girl was recorded under section 164 of the Cr.P.C. wherein she has not taken the name of the petitioner. It is submitted that the victim girl was presented by Dilip as his sister and was married to Ravi Kant Tiwari the family member of the petitioner herein and it is for this reason that she was present in the house. The petitioner is in custody since 7.9.2019 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that in course of investigation the victim girl was recovered from the house of the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the recovery of the minor daughter of the informant from the house of petitioner along with the petitioner being arrested at the same time, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

(Partha Sarthy, J)

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