

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27611 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- BARGAINIA District- Sitamarhi

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KRISHNA RAI S/o Suresh Rai Resident of Village-Pachtaki Yadu, Police
Station-Bairgania, District-Sitamarhi ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in Trial No.82/2019
(Bairgania Police Station Case No. 152/2019) registered for the
offence punishable under sections 363,366A,372/34 of the
Indian Penal Code and section 8 of the POCSO Act.

Informant alleges that on call his fourteen and a half
years old daughter had gone to the house of the petitioner for
taking food at 8 PM and when she did not return till 9 PM, he
inquired about her on which petitioner's daughter-in-law told
him that his daughter has already returned to her house. During
search, the informant learnt that his daughter has been abducted
on Bolero by the petitioner and his family members with an
intention to marry or to force her to prosecution.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to land dispute. Report of the Medical Board dated
30.7.2019 (Annexure 2) has determined her age to be 18 to 19
years. Several similarly situated co-accused have already been
allowed pre-arrest bail by different benches of this Court vide
orders contained in Annexure 3 series. Petitioner has got no



criminal antecedent and he is in custody since 29.7.2019.

Learned counsel for the State opposes the prayer for bail and states that the petitioner at the time of abduction had a knife in his hand and on the point of the knife he and other accused persons abducted the victim which fact has also been supported by the victim in her section 164 Cr.P.C. statement. Pointing to the impugned order, he submits that the charge has been framed against the petitioner and the case is pending for prosecution evidence.

In view of the above, prayer for bail of the petitioner is refused. Let the trial be expedited.

(Prabhat Kumar Singh, J)

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