

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85628 of 2019**

Arising Out of PS. Case No.-504 Year-2018 Thana- JAHANABAD District- Jehanabad

Pawan Kumar, aged about 22 years, Gender Male, Son of Shatrughan Singh,
Resident of Mohalla- Shyamnagar, Jehanabad, P.S. + District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 18-03-2020 Heard Mr. Mrigendra Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

The petitioner seeks regular bail in connection with
Jehanabad P.S. Case No. 504 of 2018, registered for the offence
punishable under Section 366(A) of the Indian Penal Code,
1860.

The allegation against the petitioner is that the
petitioner abducted the minor niece of the informant for illegal
purpose.

Mr. Mrigendra Kumar, learned counsel appearing for
the petitioner submits that petitioner has falsely been implicated
in this case inasmuch as there was love affair between the
petitioner as well as the victim girl. Learned counsel referring to



Annexure- 3 to the present petition submits that doctor has examined the victim girl and has assessed her age between 19-20 years. Learned counsel referring to Annexure- 2 to the petition, which is the statement of the victim girl recorded under Section 164 of the Cr.P.C. submits that the victim has given statement under pressure of her family members.

On the other hand, learned counsel appearing for the State opposes the prayer for regular bail of the petitioner and submits that the victim girl in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that she was abducted by the petitioner under threat and coercion and the petitioner has made physical relationship with the victim girl, who is minor. The educational certificate of the victim discloses her date of birth as 22.11.2004 and the victim girl in her statement under Section 164 of the Cr.P.C. has disclosed her age as 15 years before the learned Magistrate.

After having heard learned counsel for the parties and upon perusal of the report of the learned 1st Additional District & Sessions Judge, Jehanabad dated 22.01.2020 it appears that the trial is pending for examination of the prosecution evidence and in this case Summon, Bailable Warrant and Non Bailable Warrant have also been issued to the witnesses, but none of



them have been examined by the prosecution as yet. The charge has been framed on 25.04.2019 and the petitioner is in custody since 12.07.2018.

Accordingly, in view of the totality of the facts and circumstances, I am not inclined to grant regular bail to the petitioner at this stage. However, if the trial of the petitioner does not show any progress within six months from today, the petitioner would be at liberty to renew his prayer for regular bail before this Court.

(Anil Kumar Sinha, J)

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