

Arising Out of PS. Case No.-217 Year-2019 Thana- NAANPUR District- Sitamarhi

... .. Petitioner

Versus

... .. Opposite Party

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Informant : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

Learned counsel for the petitioner submits that the F.I.R. was lodged after three days despite the fact that the



informant was aware of the alleged kidnapping of his daughter. It is further submitted that on her recovery when she made her statement under Section 164 Cr. P.C., she has categorically stated that she had gone to the house of her bua and she had gone on her own. Learned counsel submits that considering these aspects of the matter and that the trial is not taking place for the present, the petitioner deserves privilege of bail.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner. It is submitted that the victim girl was aged about 14 years at the time of occurrence of kidnapping and she was kept for more than two months by this petitioner. After her recovery on 23.08.2019, she had been medically examined and was found carrying pregnancy of six weeks and six days. Learned counsel submits that pregnancy of the victim girl shows that the minor girl was subjected to sexual act and this being a heinous kind of crime, the petitioner does not deserve privilege of bail.

Having regards to the fact and circumstances of the case and upon noticing the materials which have been placed before the Court showing that the victim girl was aged about 14 years only and when recovered she was found carrying



pregnancy of six weeks and six days, in the nature of the allegations and the materials, this Court is not inclined to grant privilege of bail to the petitioner.

This Court has been informed that the charge has been already framed and the case is fixed for deposition of prosecution witnesses. In the circumstances, this Court directs the learned Additional District Judge-I-cum-Special Judge, POCSO Act, Sitamarhi to expedite the trial of the case and ensure early conclusion thereof after start of normal functioning of the Court. No longer date shall be fixed in the matter. The Public Prosecutor must cooperate in producing witnesses on the date fixed in the matter.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

