

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17524 of 2021**

Arising Out of PS. Case No.-347 Year-2020 Thana- PIRO District- Bhojpur

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AJEET CHOUDHARY @ DHINGUL CHOUDHARY SON OF UDAY
CHOUDHARY @ UDAY KUMAR RESIDENT OF VILLAGE- BHARSAR,
POLICE STATION PIRO DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 04-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 376D of the Indian Penal Code, sections 4 and 8 of the POCSO Act and section 3(2)(v) of the S.C. and S.T. Act.

As per the prosecution case, the six named accused persons including the petitioner herein are stated to have kidnapped the minor daughter of the informant and of having committed rape on her.

It is submitted by learned counsel for the petitioner that for an occurrence alleged to have taken place on 16.12.2020 there is an unexplained delay of 3 days in lodging of the F.I.R. The petitioner has been falsely implicated in the case. As per the



medical report, the age of the victim was assessed to be between 17-19 years and as such, POCSO Act is not applicable. The petitioner is in custody since 21.12.2020.

The application for bail is opposed by learned A.P.P. for the State who submits that the victim has supported the allegations under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. together with the statement of the minor victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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