

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42507 of 2021

Arising Out of PS. Case No.-161 Year-2019 Thana- MAJORGANJ District- Sitamarhi

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BHOLA THAKUR @ HARISHCHANDRA THAKUR Son of Late Rajendra Thakur Resident of Village - Mohani Mandal, Police Station - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Sah

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-08-2021 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 17 of 2020, arising out of Majorganj Police Station Case No. 161 of 2019, registered for the offences punishable under Sections 363/366-A/376 of the Indian Penal Code and Sections 4/6/8 of the Protection of Children from Sexual Offences Act, 2012.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 05.12.2020, passed in Criminal Misc. No. 26429 of 2020.

The allegation, as per the First Information Report, is



that the minor daughter of the informant, aged about 16 years, was abducted by the petitioner and others.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the medical board has assessed the age of the victim girl between 18-19 years and the medical board has also not found any sign of rape upon the victim girl. He further submits that the charge sheet under Section 376 of the Indian Penal Code has been submitted against the petitioner.

On the other hand, learned Additional Public Prosecutor submits that considering the same submission made on behalf of the petitioner and the fact that the victim girl, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has categorically stated that she was kidnapped by the petitioner and others and was taken to Delhi and Rajasthan and the petitioner established sexual relationship with the victim girl every day, this Court had rejected the bail application of the petitioner, vide order, dated 05.12.2020.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that prayer for bail of the petitioner was earlier rejected by this Court on merit and no new material has



been produced by the petitioner to consider this case for bail afresh, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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