

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34754 of 2020**

Arising Out of PS. Case No.-438 Year-2019 Thana- GAYA MUFASIL District- Gaya

PAWAN KUMAR Son of Late Ramanuj Singh Resident of Village Singathia,
P.S. -Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 17-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376(A,B), 120(B)/34 of the Indian Penal Code and u/s 6/10 of POCSO Act.

As per the prosecution case, one American couple adopted a child from Ecovic Adoption Center and in course of travel to America, the American couple noticed uneasy state of the adopted girl and on enquiry, she complained of pain in her private part of the body. The American couple showed the photographs of two women to adopted girl, who became afraid on seeing the photograph. The adopted parents got examined her by the doctor, who found that her private part was sexually abused. Thereafter, the parents complained to American embassy in India and thereupon a letter was issued by Deepak



Kumar, Member Secretary of Central Adoption Resources Authority, Ministry of Women and Child Development, Government of India to the D.G.P., Patna and on that letter an FIR was got lodged by Rajan Kumar, Assistant Director, Child Protection Unit, Gaya against the petitioner and other accused persons.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that petitioner is neither connected with N.G.O. nor with the Adoption Center and entire allegation leveled by adoptive couple is admittedly an after thought and imagination made at belated stage by them. It is further submitted that in compliance of procedure the child was examined medically at Max Hospital, Delhi and no abnormality was found. It is further submitted that the doctor, who examined the victim girl prior to her adoption, as well as the doctor, who examined the victim girl prior to issuance of Visa, did not find any sign of sexual assault on the victim girl. Petitioner is in custody since 21.09.2019 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail and submits that during the course of



investigation one witness, Pratima Singh, claimed that on 20.08.2019 the adoptive parents along with victim had stayed in her house at Patna and when in the night, victim girl started weeping, she went there and found the victim girl in pain and she also noticed that the private part of the victim was reddish and enlarged. A photograph was also shown to the victim of the employees of N.G.O. on which she had expressed her fear on some of the persons, who were there in the photographs and amongst those persons petitioner is one of them. Subsequently, the confession of other accused persons were recorded in paragraphs, 54, 55 and 59 of the case diary in which they stated that petitioner used to visit the N.G.O., Ecovic Adoption Center, with the director of N.G.O., Binod Kumar.

Considering the nature of allegation, material that has come during the course of investigation and gravity and heinous nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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