

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34438 of 2020

Arising Out of PS. Case No.-479 Year-2018 Thana- RAMPUR District- Gaya

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Pawan Kumar, Male, aged about 20 years, Son of Mahendra Ram @ Mahendra Das, Resident of Village Tilauthu, Police Station Tilauthu, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-02-2021 Heard Mr. Manish Kumar No.2, the learned counsel for the petitioner and Mrs. Sharda Kumari, the learned Additional P.P.

The petitioner seeks bail in Rampur P.S. Case No.479 of 2018, giving rise to POCSO Case No.23 of 2019, registered under Section 366(A) of the Indian Penal Code. Later on, charge sheet under Section 376 of the Indian Penal Code and under different sections of the POCSO Act was submitted.

The informant alleged that her minor daughter was kidnapped by the petitioner for the purpose of marriage.

Mr. Manish Kumar No.2, the learned counsel for the petitioner submits that of course on the basis of the date of birth entered in the certificate, age of the victim is about 12 years on the date of occurrence but the doctor assessed the age of the victim about 18 years. It is further submitted that from perusal of the photographs attached with the supplementary affidavit, it would appear that the victim was voluntarily accompanying the



petitioner and there was no amount of coercion and threat. The case has also been compromised and a joint compromise petition is filed. The petitioner is in jail for more than two years, but it appears from the facts that on the date of occurrence, the age of the victim was 12 years. Of course from the photographs it appears that the victim was accompanying the petitioner out of her free will but since the victim was minor, the consent of the victim is immaterial.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, since the petitioner is in jail for last two years, the trial court is directed to hold the trial on day to day basis and conclude the same within three months from the date of receipt of this order.

If the trial is not concluded within three months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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