

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9558 of 2021

Arising Out of PS. Case No.-126 Year-2019 Thana- GHOSI District- Jehanabad

RAVINDRA KUMAR S/O Ram Bachan Vind Resident Of Village - Saidpur,
P.S. - Ghoshi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, sr. Adv.
For the State	:	Mr. Gauri Shankar Gupta
For the informant	:	Mr. Uday Naayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-08-2021 Heard learned Senior Counsel for the petitioner,

learned Counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with
Ghoshi Police Station Case No. 126 of 2019, registered for the
offences punishable under Sections 363/366-A of the Indian
Penal Code. In this case, charge sheet has been submitted by the
police against the petitioner for the offences punishable under
Sections 363/366-A/376/34 of the Indian Penal Code and
Section 4 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 13.08.2020, passed in Criminal Misc. No. 22080 of 2020.

The allegation against the petitioner is that he abducted the minor daughter of the informant for illegal purposes.

Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and from perusal of the First Information Report and the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, no offence, under Section 366-A of the Indian Penal Code, is made out. He further submits that the victim girl has submitted an affidavit before the learned Court below, stating therein that no such incident has taken place against her and she had gone to the house of her relative at village Purainia and nobody had abducted her. He further submits that the medical examination of the victim girl was not conducted and as such, on the basis of the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, the petitioner may not be kept in custody. He further submits that the petitioner is in custody since 29.01.2020 and charge sheet has been submitted in this case and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.



On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant oppose the prayer for bail and submit that the affidavit allegedly filed by the victim girl before the learned Court below (Annexure-2/A) was not filed out of her own free will and while the victim girl was in the custody of the petitioner, the petitioner had taken her signatures on blank papers, which has been used by the petitioner and the affidavit with regard to the incorrectness of the occurrence has been filed claiming it to be the fact stated by the victim girl subsequently. Learned Counsel for the informant further submits that just after the recovery of the victim girl, the statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded, in which the victim girl has specifically stated that she was forcibly lifted by the petitioner and the petitioner had also established physical relationship with the victim girl against her will and further the age of the victim girl is only 15 years. He further submits that the trial has now commenced and summonses have already been issued to the prosecution witnesses and as such, the petitioner does not deserve privilege of bail at this stage.

This Court, vide order, dated 07.07.2021, had called for a report from the learned Court below regarding the stage of



the case and in pursuance of the said order, a report has been submitted by learned 6th Additional Sessions Judge -cum- Special Judge (POCSO), Jehanabad, and from perusal of the same, it appears that the learned Trial Court has given the estimated time for conclusion of the trial within three months if the Court runs smoothly in physical mode and both the parties co-operate in the trial.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that earlier the prayer for bail of the petitioner was dismissed on merit, I am not inclined to grant the petitioner regular bail at this stage.

This application is, accordingly, dismissed.

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

The learned Trial Court is directed to take every possible step(s) to conclude the trial within a period of six months from today.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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