

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7420 of 2021**

Arising Out of PS. Case No.-506 Year-2019 Thana- MASAUDHI District- Patna

Vickey Paswan aged about 21 years, (Male) son of Bhagwat Paswan @  
Ritha, Resident of village- Bhakhra, Police Station- Masaurhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

**Appearance :**

For the Petitioner : Mr. Anuj Kumar Advocate  
For the State : Mr. Mithilesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      20-07-2021      In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State.

4. The petitioner seeks bail in Masaurhi PS Case No. 506 of 2019, instituted for the offence under Sections 363 and 366A of the Indian Penal Code.

5. The petitioner is alleged to have taken the daughter of the informant along with his associates (co-accused persons), viz., Dipak Paswan, Nitish Paswan and Shiva Paswan.

6. The learned counsel for the petitioner submits that from perusal of the case diary, it is obvious that the alleged victim was being transported from one place to the other around the



country and in spite of all opportunity, she has not raised any objection. The submission is of implied consent from the materials collected during the course of investigation.

7. The learned APP representing the State has opposed the prayer for bail. Referring to the statement of the victim recorded under Section 164 Cr.PC, which is available in paragraph no. 24 of the case diary, submits that in her statement, the victim has made specific allegation of rape being committed by the petitioner. Against the background of the victim's age indicating had to be a minor, the submission, insofar as the implied consent is concerned, is unsustainable in the eyes of law.

8. Considering the rival submissions, this Court, for the present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

9. The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

**(Madhuresh Prasad, J)**

shyambihari/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

