

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8747 of 2021**

Arising Out of PS. Case No.-842 Year-2020 Thana- NAWADA District- Nawada

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VIKRAM KUMAR @ VIKRAM PASWAN Son of Yashwant Paswan
Resident of Village-Saren, P.S.-Makhdumpur, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Adv.
For the Opposite Party/s	:	Mr.Ram Sumiran Rai, APP
For the Informant	:	Mr.Subodh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-08-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Nawada (Town) P.S. Case No.842/2020
registered for the offences punishable under Section 366(A) of
the Indian Penal Code.

As per the prosecution story, one Kanchan Devi, wife
of Anil Mahto submitted a written report on 14.09.2020
addressed to the S.H.O., Nawada (Town) police station alleging
therein that on 13.09.2020 she had gone to Budha Medical
Hospital for discharging her duties, in the meantime at 12.00 pm
her daughter was kidnapped from the house. It is further alleged
that earlier her neighbour Sintu Kumar threatened to kidnap her

daughter.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report, however, in course of investigation it has transpired that the petitioner was residing in the neighbourhood of the victim girl and on the alleged date of occurrence he was arrested by police near Jehanabad on a motorcycle together with the victim girl when the police party was checking the papers of the motorcycle.

Learned counsel submits that at best it is a case of love affair between the victim girl and the petitioner. The victim girl has been assessed in between 17-19 years of age and the medical examination report does not suggest commission of rape.

On the other hand, learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner. It is submitted that in course of her statement under Section 164 Cr.P.C. the victim girl has alleged commission of rape by two boys, however, this petitioner has not been named therein but it has transpired in the investigation that the victim girl was with this petitioner when both of them were arrested. Finally police has submitted charge-sheet under

Section 366A and 376 of the Indian Penal Code read with the provisions of the POCSO Act.

Considering the facts and circumstances of the case, the nature of the allegations particularly that the petitioner and the victim girl were arrested together, though the victim girl has not named this petitioner specifically in the statement under Section 164 Cr.P.C. but in the nature of the materials before this Court, the Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited.

The trial court is expected to take up the trial expeditiously as early as possible and take steps towards framing the charges and conclude the trial preferably within a period of one year from the date of start of normal functioning of the court. If the trial remains unconcluded during the said period for no reason attributable to the petitioner or after deposition of the victim girl in course of trial, if so advised, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.