

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10094 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- KATEYA District- Gopalganj

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Dablu Sharma Son of Ram Pravesh Sharma R/O Village- Mohanpur, P.S.-
Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case under sections 366A, 363 and other sections of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the F.I.R., the minor daughter of the informant was kidnapped by the accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. It has transpired during investigation that there was love affair between the petitioner and the daughter of the informant. For an occurrence alleged to have taken place on 18.11.2019, for no reasonable explanation, a complaint was



lodged on 12.12.2019 i.e. after 23 days. Further, the daughter of the informant returned, however as a result of family pressure she has given a tutored statement under section 164 Cr.P.C. Referring to the statement of the witness which has transpired in course of investigation, it is submitted that relationship between the petitioner and the daughter of the informant was cordial for the last several years. She is a major and had gone with the petitioner out of her own volition. The petitioner is in custody since 14.9.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

On going through the material that has transpired in course of investigation, it transpires that on medical examination, the age of the daughter of the informant has been determined to be between 17 and 18 years. In her statement under section 164 Cr.P.C., she has made direct allegation of the petitioner having committed rape on her.

In view of the facts, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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