

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1965 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- CHENARI District- Rohtas

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AJAJ AALAM SON OF LATE IMAMUDDIN @ IMAMUDDIN NAI,
RESIDENT OF VILLAGE- BHARANDUA, POLICE STATION-
CHENARI, DISTRICT- ROHTAS AT SASARAM Petitioner/s
Versus

The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Raghunand Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 366(A), 376 and 34 of the Indian Penal
Code and Section 4/6 of the POCSO Act.

The minor daughter of the informant is said to have
been kidnapped by the petitioner and his associates.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the victim girl has been recovered and her statement under
Section 164 Cr.P.C. has been recorded in which she has not
uttered even a single word against the petitioner. He further
submits that the alleged occurrence is said to have taken place on
23.10.2021, whereas the FIR has been lodged on 28.10.2021 that
too after lapse of five days without explaining the plausible delay.
He further submits that apart from that the medical report of the



victim does not support the allegation leveled against the petitioner as the doctor does not found any internal or external injury on the person of the victim. Therefore, no case under Section 366(A) and 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 18.11.2021.

On the other hand learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the minor daughter of the informant is subjected to physical assault by the petitioner and the victim herself in her statement has supported the prosecution version. He further submits that charges in this case has been framed against the petitioner and the trial has proceeded. Hence, the petitioner does not deserve to be enlarged the petitioner.

Considering the facts and circumstances of the case and the gravity of offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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