

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5545 of 2022

Arising Out of PS. Case No.-205 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

OMKAR KUMAR S/o Shivbalak Chauhan R/o village- Lohra, P.S.- Mufassil,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Md. Iftekhar Mahmood, APP
For the Informant	:	Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-04-2022 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 363 and 366A of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is of having kidnapped the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide orders dated 19.7.2021 (Annexure-1). In spite of the petitioner being in custody since 19.8.2020 it is only that charge has been framed recently and no witness has turned up on behalf of the



prosecution. Further on the point of framing of charge, it is submitted that although charges have been framed under section 376D of the Indian Penal Code, under the POCSO Act besides other sections, it is submitted that surprisingly charge has been framed only against the petitioner and no other person. Further from perusal of paragraph no. 27 of the case diary it would transpire that there is no basis for the Investigating Officer to have come to the conclusion with respect to age of the alleged victim.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the allegation against the petitioner is direct which has been supported by the victim in her statement under section 164 Cr.P.C.. The informant is ready to produce the witnesses in course of trial as and when directed by the learned trial court.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the same having been supported by the victim in her statement under section 164 Cr.P.C. and charge having been framed in the learned court below, 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.

It is directed that the informant shall produce the witnesses on each date fixed in the trial. On conclusion of the private witnesses, the Superintendent of Police, Nawada shall ensure the appearance of the official witnesses in the trial without delay.

(Partha Sarthy, J)

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