

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10968 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- GOVINDGANJ District- East
Champaran

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Monu Kumar Son of Prameshwar Sah Resident of Village - Bahuaara,
Harivansh Rajpur, P.s.- Kalyanpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chan Verma, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Govindganj P.S. Case No. 340 of 2021 registered for the offence

under Sections 363, 365, 366(A) and 34 of the Indian Penal

Code and under Section 08 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 11.11.2021.

The allegation against the petitioner is to kidnap the

minor daughter of the informant, aged about 13 years, for the

purpose of illicit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that the implication of petitioner was made due to misconception of the fact, as victim having love affairs with this petitioner. It is submitted that no external injuries were noticed to suggest rape or penetrating sexual assault, as per medical report of the victim. It is also submitted that the victim, appearing major, where she solemnized her marriage with petitioner out of her own sweet will. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Vinay Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that victim, specifically, alleged this petitioner as regard to kidnapping and penetrating sexual assault. It is further pointed out that victim was taken to Punjab on false pretext to taken home of her parents. It is also submitted that victim, specifically, stated through her statement recorded under Section 164 of the Cr.P.C. that the petitioner was involved in human trafficking also.

Considering the facts and circumstances as mentioned above, as there is specific allegation of kidnapping and



rape/penetrating sexual assault against this petitioner as surfaced through statement of victim as recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, if required, on daily basis, so as trial may conclude within specified time as prescribed under Section 35(2) of the POCSO Act, 2012.

Superintendent of Police, East Champaran (Motihari) is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

(Chandra Shekhar Jha, J)

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