

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25956 of 2021

Arising Out of PS. Case No.-52 Year-2019 Thana- BASANTPUR District- Siwan

=====

Raja Ahmad @ Palpal, Son of Idu Mian @ Id Mohammad Miya, R/O Village-
Nandpur, Khawaspur, P.S- Basantpur Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 21-01-2022 The applicant/accused in Crime No. 52 of 2019 registered with Basantpur Police Station for the offences punishable under Sections 366(A) r/w Section 34 of the Indian Penal Code and Section 8 of the POCSO Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that except the applicant all others co-accused are already granted anticipatory bail by this Court. The appellant is behind the bars from 27.11.2020. It is further argued that in the medical examination, age of the victim is said to be 16 years. By drawing my attention to the statement of the victim recorded under Section 164 of the Cr.P.C. it is argued that initially the applicant had given a cellphone to the victim and there was meeting of the



Panchayat on this aspect. This indicates affair between the parties.

No one appears on behalf of the State when the case is called out through Virtual Mode.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR lodged by the mother of the victim so also the statement of the victim shows that she was 13 years of the age at the time of incident. She has made a categorical allegation that it was the applicant who had kidnapped her and had taken her to Mumbai by train and thereafter to Orissa. She averred that from Orissa, she made a telephonic call to her mother and then her mother as well as her maternal uncle had rescued her. The victim has stated that she made a hue and cry while being taken by the train at Mumbai but the accused had convinced the co-passengers that she is mentally ill.

Considering the nature of allegation against the applicant and the age of the victim, no case for grant of bail to the applicant/accused is made out. Accordingly, the application stands rejected.

However the trial be expedited.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

U		T	
---	--	---	--

