

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42243 of 2021**

Arising Out of PS. Case No.-5 Year-2021 Thana- DUMARIYA District- Gaya

BIKRAM @ VIKRAM PASAWAN Son of Bhikhari paswan Resident of
Village - Gajradi, P.S.- Kudra , Distt.- Bhabhua (Kaimur).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Mr.Nagendra Sharma
For the Opposite Party/s :		Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-04-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dumariya Police Station Case No. 05 of 2021, registered for the
offence punishable under Sections 363/366-A of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that the daughter of the informant, aged about 16
years, had gone to the market, but did not return till late hours
and upon search made by the informant, she was not traced. The
First Information Report has been registered against unknown
and during the course of investigation, the daughter of the
informant was recovered by the police and her statement, under



Section 161 of the Code of Criminal Procedure, 1973 was recorded by the police, in which the name of the petitioner transpired. The statement of the informant's daughter was also recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that the petitioner has repeatedly committed rape upon her.

Learned Senior Counsel for the petitioner submits that though the victim has declared her age, in her statement, under Section 164 of the Code of Criminal Procedure, 1973, as 17 years, the doctor has assessed her age between 17 and 19 years. He further submits that except the statement of the victim girl, recorded under Sections 161 and 164 of the Code of Criminal Procedure, 1973, no other material has come against the petitioner. He further submits that the petitioner is in custody since 10.02.2021 and charge sheet has been submitted and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl, under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner.



This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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