

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47747 of 2021

Arising Out of PS. Case No.-373 Year-2020 Thana- TRIVENIGANJ District- Supaul

RAJ KISHOR PASWAN S/o Sukhay Paswan R/o village- Kumiyahi, Ward
No. 11, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
POCSO Case No. 69 of 2020 arising out of Triveniganj P.S.
Case No. 373 of 2020 instituted for the offences under Sections
366(A), 370, 506/34 of the Indian Penal Code read with
Sections 8 and 17 of the Protection of Children from Sexual
Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.12.2020, is a person with clean
antecedent and charge-sheet has been submitted in this case.

Allegation is of kidnapping the minor daughter of the
informant by the petitioner and named accused persons on



09.12.2020 either for marriage or for selling for flesh trade and the accused also threatened not to lodge a case or the informant would be implicated in false cases under the SC/ST Act.

Learned counsel for the petitioner submits that the date of occurrence is 09.12.2020 and the date of FIR is 12.12.2020, as such, it is submitted that there is no explanation for the plausible delay in instituting the FIR. Learned counsel further submits that the victim has not supported the prosecution case in her statement under Section 161 Cr.P.C. and Section 164 Cr.P.C.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that admittedly the victim is a minor, is a girl aged bout 13 years. Learned A.P.P. further submits that though no plausible explanation in the FIR has been given for instituting the same after a delay of three days but then it was the daughter of the informant who was kidnapped by the named accused persons and the informant was under threat not to disclose and also that when a minor daughter is kidnapped one can well imagine the state of mind of the parents of the victim. Learned A.P.P. further submits that the victim has not supported the prosecution case in her statement under Section 161 and 164 Cr.P.C. as it has also



been recorded in the impugned order but then the victim admittedly is a minor aged 13 years and, as such, her consent or will does not matter. It is further submitted that it was the bounden duty of the accused person to ensure that the minor is not misguided and fall in bad company.

Considering the submission made by the learned A.P.P., the Court is not inclined to grant bail to the petitioner in connection with POCSO Case No. 69 of 2020 arising out of Triveniganj P.S. Case No. 373 of 2020 pending in the Court of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Supaul.

(Satyavrat Verma, J)

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