

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52163 of 2021**

Arising Out of PS. Case No.-378 Year-2020 Thana- PURNEA SADAR District- Purnia

SURAJ CHAUHAN @ SURAJ CHOCHAN Son of Bhulai Chauhan @ Bhulai Chohan @ Dulal Chohan @ Jhalai Chauhan Resident of Village - Hansda Gulabbagh, P.S.- Sadar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 19-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with Special (POCSO) Case No. 15 / 2021 arising out of Sadar PS Case No. 378 / 2020 instituted for the offence under Section 363 / 366 (A) of the IPC later on Section 376 of the IPC added and Section 4 of the POCSO Act.

Petitioner has allegedly abducted the minor daughter of the informant and abused her physically.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village politics and the victim girl was having love affair with the petitioner and the statement of the mother of the victim girl was recorded during the course of investigation in which she has



stated that victim girl had left her house with Rs. 30000/- and fled away with the petitioner. He further submits that doctor examined the victim girl and her age was assessed as 17 years.

On the other hand, learned counsel for the State submits that the statement of the victim girl was recorded under Section 164 of the CrPC and the age of the victim as per the informant is 14-15 years, however, in any event of the matter, the victim is below 18 years and is minor and in her statement recorded under Section 164 of the Cr.P.C. she has stated that petitioner had established physical relation with the victim.

Regard being had to the submissions made by the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Cr.P.C. , I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of regular bail is rejected.

However, the petitioner may renew his prayer for bail after deposition of the victim girl is recorded by the trial court.

(Anil Kumar Sinha, J)

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