

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59279 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Mukesh Kumar @ Bhim Kumar, Son of Shyamnath Singh, Resident of
Village - Saripur, P.s.- Sandesh, Distt.- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi SRP Sinha, Sr. Advocate

Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 11-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Baxi SRP Sinha, learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Udwanthnagar P.S. Case No. 155 of 2021 registered for the offences punishable under Sections 363, 365, 506, 34, 366(A), 376/120(B) of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, it is alleged that on 01.04.2021 the daughter of the informant 'X' went to attend her coaching classes, but she did not return. On search, the



informant came to know that four named accused persons, including the petitioner, have kidnapped his daughter.

Learned senior counsel appearing on behalf of the petitioner submits that during the course of investigation, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C., wherein, she has categorically stated that she went along with the petitioner, however, she also alleged that he has committed wrongful act with her. On the strength of her statement, learned senior counsel submits that in fact it was a case of love affair, but later on, on the pressure made by the parents, this FIR has been instituted. A supplementary affidavit has been filed on behalf of the petitioner, and the deposition of the victim was also brought on record which clearly suggests that both the petitioner and the victim and her family were known to each other and they used to visit their houses. She also admits that there was some previous animosity, which was later on compromised. He lastly submits that the victim was also examined by the medical board and her age has been assessed in between 14-16 years and no sign of any sexual assault has been found over her body.

On the other hand learned APP for the State vehemently opposes the bail application and submits that from



the materials available on record, the age of the victim appears to be 12-14 years and she has made specific accusation against the petitioner that she was subjected to rape by the petitioner, twice in his captivity. He next submits that now the trial is at the fag end and almost all the witnesses have been examined by the learned trial Court.

Regard being had to the facts and circumstances of this case and considering the specific nature of accusation and the gravity of the offence, apart from the stage of the trial, this Court is not persuaded to enlarge the petitioner on bail.

It is expected that the learned trial Court will take all the necessary endeavor to conclude the trial as early as possible, preferably within a period of three months, failing which the petitioner would be at liberty to renew his prayer for bail with the present status of trial.

Accordingly, the present bail application stands dismissed.

(Harish Kumar, J)

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