

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61578 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- BANDHUWA KURAWA District- Banka

PAPPU PASWAN Son of Dhaneshwar Paswan Resident of Village-
Madhopur, Police Station- Bandhuwa Kurwa, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-05-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366A and 34 of the Indian Penal Code to which section 376 of the Indian Penal Code and section 4 of the POCSO Act were added subsequently.

As per the prosecution case, the minor daughter of the informant was kidnapped by the accused persons for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is an unexplained delay of 15 days in lodging of the F.I.R. The daughter of the informant was recovered and her statement was recorded under section 164 Cr.P.C. which is Annexure-2 to the petition. From perusal of the same, it would transpire that



although the informant's daughter states about going from one place to the other, no protest or hulla was raised by her at any point of time. In course of investigation, she has been assessed to be over 18 years of age, thus, it was clear case of love affair between the parties and subsequent to her having returned in the custody of her family that the instant incorrect statement has been given under section 164 Cr.P.C. The petitioner is in custody since 25.9.2020.

The application for bail is opposed by learned A.P.P. for the State who submits that direct allegation has been made by the informant's daughter against the petitioner of having kidnapped and having committed rape on her repeatedly.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R. together with the contents of the statement under section 164 Cr.P.C. of the informant's daughter, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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