

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63978 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- ADAPUR District- East Champaran

Dharmendra Yadav, S/o Duban Yadav, R/o village- Kalwari Majhariya, P.S.-
Adapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Adapur P.S. Case No. 27 of 2020 registered for the alleged offences under Sections 363, 366(A) and 34 of the Indian Penal Code and Section 8 of POCSO Act.

As per the prosecution case, the minor daughter of the informant was forcibly taken away by the petitioner and the co-accused while she went out to attend the call of nature.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The victim girl was examined and she was found to be the aged about 17 ½ to 18 ½ years and, as such, she was major and provisions of POCSO Act would not apply. When the statement of the victim girl was recorded under Section 164 Cr.P.C., she has stated that co-accused Dasai Sahani abducted her and she has not made any allegation against this petitioner. The true fact of the case is that victim girl was in love with co-accused and she went with him to Mumbai out of her sweet will. She was recovered on 16.02.2020 and her statement was recorded on 02.03.2020. Meanwhile, she was tutored by her parents and she falsely implicated this petitioner by stating that he also established physical relationship with him. From the whole story, it appears that the victim girl was a consenting party with co-accused and she did not raise any alarm while she was being taken to Mumbai. The petitioner has not committed any offence and has not made any physical relationship with the victim. There is no material to connect the petitioner with the alleged occurrence. The co-accused has been granted bail by the Juvenile Justice Board, East Champaran in Case No. 962/2020. The petitioner is in custody since 20.09.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting



that witnesses in the case diary have supported the prosecution case against this petitioner. Even the victim girl after her recovery stated in her statement recorded under Section 164 Cr.P.C. that at the house of the uncle of the co-accused, this petitioner made physical relationship with her. Her age was assessed by the court to be 16 years and even in medical examination her age was assessed to be 17 ½ to 18 ½ years approximately and she was a minor at the time of the occurrence.

Perused the records.

Having regard to the facts and circumstances and considering the specific nature of allegation against this petitioner that he made physical relationship with the victim girl, I do not think the petitioner deserves to be enlarged on bail at this stage. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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