

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67860 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA P.S. District- Nawada

Vikash Kumar, Son of Rajendra Prasad @ Sadhuji, Resident of Village -
Hanumangarh, P.S.- Akbarpur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 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 Nawada Mahila P.S. Case No. 28 of 2021 registered for the alleged offences under Sections 376, 323 and 506 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, the petitioner, giving inducement to the minor daughter of the informant, sexually exploited her. On the date of occurrence i.e. on 06.07.2021, he tried to forcibly took her away. On shout being made, the petitioner ran away from there leaving behind his vehicle.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The wife of this petitioner has filed Akbarpur P.S. Case No. 446 of 2021 for occurrence of the same day in which this petitioner received injury as he was assaulted by the informant and his family members and they wanted to forcibly marry him with the daughter of the informant. The petitioner was a candidate in Panchayat Election, 2021 for Mukhiya and he has been made accused in this case under a conspiracy. No offence under Section 376 of IPC or any of the Sections of POCSO Act is made out against the petitioner. Petitioner is in custody since 25.08.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner established sexual relationship with the minor daughter of the informant giving her inducement and the victim has recorded her statement under Section 164 of Cr.P.C. wherein she has specifically named this petitioner who gave her inducement and served her spiked drink and raped her. When the victim disclosed this fact to her family members, they inquired from this petitioner regarding marriage and thereafter, he told them about his married status.

Perused the records.



Having regard to the submissions made hereinabove and considering the fact that the victim is a minor girl and there is specific allegation against the petitioner that he committed rape with her and in her statement recorded under Section 164 of Cr.P.C. before the Magistrate, she has supported the allegation, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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