

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4885 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- PAHARPUR District- East Champaran

SUNIL RAM S/o Prabhu Ram R/o Village- Parsauni (Kathwalia), P.S.-
Paharpur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.11.2022 in connection with Paharpur P.S. Case No. 390 of
2022, F.I.R. dated 06.11.2022 for the offences punishable under
Sections 376, 363, 366(A) of the Indian Penal Code and Section
4, 6 and 8 of the POCSO Act.

According to prosecution case, on the basis of written
report of the informant stating therein that the informant's minor
daughter aged about 16 years went to study at English Chowk. It
has further been alleged that about one year back Sunil Ram
keeps evil eye on the daughter of informant, and on account
thereof the said Sunil Ram (petitioner) trapped in the trap of love
and made physical relationship with her. In the meantime on
04.11.2022 at about 05:00 A.M. the said petitioner took her
daughter with him from English Chowk by luring her to marry



him. It is further alleged that the informant's daughter did not come back then she started to search and on 05.11.2022 both persons were caught at Matiyarwa Chowk with motorcycle on Bettiah road and taken to her house.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that on pretext of marriage the petitioner has committed rape upon her and at the time of occurrence the victim was minor.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Paharpur P.S. Case No. 390 of 2022 pending in the court of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari.

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

