

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13959 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BARIYARPUR District- Munger

KONGRESS KUMAR Son of Late Chhatri Mandal Resident of Village -
Naneliya Tola (Kaliyan Tola), P.S.- Bariarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Bariarpur P.S. Case No. 148 of 2022 instituted for the offence under Sections 376(AB) of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. As per allegation in the FIR, the informant who is mother of the victim, alleged that the petitioner came at her door and took away her daughter aged about 3 years. After one hour, the victim came on the road who stated to the informant that the petitioner committed wrong with her. Accordingly, the present FIR has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to village politics. As per



medical report of the victim, no any injury is found on external and private part of the body. The petitioner has got no criminal antecedent as stated in para-3 of the bail petitioner. Moreover, he is languishing in judicial custody since 9.9.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the direct allegation has been made. The mother of the victim corroborates the prosecution and stated the fact in her statement recorded u/s 164 of the Cr.P.C. as narrated by the victim that the petitioner committed wrong with her daughter. The victim girl is minor, aged about 3 years.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. Learned trial court is directed to conclude the trial within a period of six months, failing which, the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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