

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17601 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- BHAGWANPUR District- Begusarai

PRIYANSHU PATHAK son of Benkatesh Pathak Village- Teyay Pathak Tola
Ward No-10 Ps- Bhagwanpur Teyay Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
28.06.2022 in connection with Bhagwanpur (Tiyay) P.S. Case
No. 121/2022, dated 26.06.2022, for the offences punishable
under Sections 363, 372, 373, 34 of the IPC, Sections 3, 4, 5 of
Immoral Trafficking (Prevention) Act, 1956. Later on Sections 4
and 6 of POCSO Act was added.

3. According to prosecution case, the petitioner, being
the brother of the informant is alleged to have abducted the
minor daughter of the informant and sold her at brothel in
Chaturbhuj Asthan, Muzaffarpur.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. The petitioner is own brother of the informant and the victim is the niece of the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that there is no question of kidnapping could be attributed against the petitioner.

5. Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that the petitioner has abducted her and after sometime she was sold in Chaturbhuj Asthan, Muzaffarpur.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Bhagwanpur (Teyay) P.S. Case no. 121/2022, pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Begusarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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