

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22869 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- HARLAKHI District- Madhubani

ADITYA KUMAR PASWAN @ ADITYA KUMAR S/O SAHDEV PASWAN
@ SAHDEV RAM Resident of Village- Behata, P.S.- Benipatti, District-
Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
22.12.2022 in connection with Harlakhi P.S. Case No.119/2022,
dated 03.05.2022, for the offences punishable under Sections
363 and 366(A) of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons abducted the daughter of the
informant on the point of pistol. The accused persons also
assaulted the informant.

4. Learned counsel for the petitioner submits that the
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 the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the alleged date of occurrence is 01.05.2022 but the present F.I.R. has been instituted on 03.05.2022 after delay of two days without giving any explanation of delay and except the statement of the victim, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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 of the Cr.P.C., in which, she has categorically stated that the petitioner has abducted her and also committed physical assault on the victim. Learned counsel for the petitioner submits that in the medical report, there is no sign of any sexual assault. Learned counsel for the State submits that the medical examination of the victim was conducted on 12.06.2022 after about one month of the alleged date of occurrence.

6. Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with Harlakhi P.S.
Case No.119/2022, pending in the court of learned A.C.J.M.-II,
Benipatti, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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