

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26608 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- JANKINAGAR District- Purnia

Navin Kumar Sharma S/O Baleshwar Sharma @ Bhole Sharma R/O Village-
Karbaili, P.S- Kumarkhand, Distt.- Madhepura. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner in a case registered for the offence punishable
under Sections 363, 366A/34 of the Indian Penal Code.

It is a case of commission of abduction. Petitioner is
home tutor of the victim girl and he seduced her with ill motive.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. In page 38 of the case diary her school certificate is
enclosed in which her date of birth is mentioned as 5.2.2004.
and the alleged occurrence took place on 21.4.2021, so her age
was between 17-18 years and she was at the verge of majority at
that time. Allegedly petitioner had abducted the victim girl and
kept her at a place for 4-5 days and committed wrong with her



and thereafter, he dropped her at Saharsa Railway Station but surprisingly she had not raised alarm anywhere, which shows that victim girl was a consenting party. Petitioner has got no criminal antecedent and languishing in judicial custody since 4.1.2023.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has made direct allegation of abduction and rape against the petitioner. As per medical report, doctor confirmed the allegation of rape and her age has been assessed by the doctor between 16-17 years.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of abduction and rape against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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