

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34355 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- PHULWARIA District- Begusarai

Md. Aamir @ Rikki son of Md. Akhtar Village- Phulwariya ward no-12, Ps-
Phulwariya Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Dr. Indihar Kumari, APP
For the Opposite Party/s	:	Mr. Bipin Kumar, Advocate, Mrs. Sarita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of
four weeks from today.

3. The petitioner seeks bail in connection with Phuwariya
P.S. Case No. 195 of 2022 registered for the offence under Sections
366-A of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2022.

5. The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit
intercourse/marriage.

6. Learned counsel appearing on behalf of the petitioner
submitted that the fact of this case suggest that victim accompanied



petitioner up to Chennai, which is not possible without her consent, negating kidnapping on its face. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail, submitted that victim specifically stated against this petitioner as to kidnap her and thereafter established physical relation on different occasions by blackmailing her through earlier recorded video. It is submitted that at the time of occurrence victim was of 15 years and she also found between age group of 15-16 on medical examination.

8. Considering the facts and circumstances as mentioned above, as specific allegation of kidnapping and penetrative sexual assault is available against this petitioner, accordingly, prayer for grant of bail of petitioner is rejected herewith.

9. Learned Trial Court is directed to conclude the trial within specified time period in terms of provision of POCSO Act.

10. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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