

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35770 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BALIYA District- Begusarai

=====

RAM CHANDRA PANDIT Son of Late Laddu Lal Pandit Resident of village
- Panhas, P.S. - Lohiya Nagar, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-08-2023 Heard Mr. Ajay Kumar Sinha, learned Counsel for

the petitioner and Mr. Damodar Prasad Tiwary, learned APP for

the State.

2. The petitioner is an accused in connection with
Ballia P.S. Case No. 17 of 2023 registered for the offences under
sections 363, 365, 366A, 372 and 34 of the Indian Penal Code
later on sections 373 and 376 of the Indian Penal Code was
added and section 6/9 of the Immoral Traffic Prevention Act
lodged on 22.01.2023 by the informant, Anjali Kumari.

3. As per the prosecution story, the lady Sub-Inspector
who is the informant alleged that she got information that some
accused persons are taking a minor girl at Lakhminiya Railway
Station. Accordingly, she went to the said place and upon
enquiry came to know that a minor girl 'X' is being taken away



and when she enquired from the minor girl, the girl informed that she wanted to go to her maternal grand-mother's home and at Chapra bus stand, a person came forward to help her and when she refused to go, she was forced to sit in the bus, taken to unknown place and then brought to Lakhminiya Railway Station. There another person alongwith a lady came. When she started crying, the people assembled and then she informed that they are taking her forcibly. Accordingly, the police came and beside taking the minor girl, the two persons namely, Ram Chandra Pandit (petitioner) and Ajay Kumar as also one Rupam Devi were arrested.

4. In this case, case diary and the statement of the victim girl was called for by an earlier bench on 12.07.2023, which has since been received.

5. The victim girl in her statement under section 164 of the Cr.P.C. on 23.01.2023 has stated that she had gone to picked up ration on 18.01.2023 and as she delayed her return, the aunt scolded and beaten her severely whereafter she left her home after informing mother and came to Bus Stand, the accused persons accompanied her and thereafter she has narrated the story, as has been recorded in the FIR.

6. Her further statement is that she was sexually



assaulted and on that fateful day, they went to the Railway Station whereafter the police came and she was rescued.

7. The Report of the Medical Board dated 23.01.2023 has also been provided and the Medical Report has not find evidence of recent sexual assault in victim.

8. Mr. Tiwary, learned APP for the State however, submits that there has been allegation of sexual assault upon the minor girl by the accused person, the petitioner herein and though the medical finding is contrary to the statement, the statement of minor girl cannot be ignored.

9. Taking into account all the facts on record, the submissions put forward by the respective counsels, for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

