

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43698 of 2023

Arising Out of PS. Case No.-1166 Year-2021 Thana- AGAMKUAN District- Patna

Aryan Yadav @ Tuntun Kumar S/O Shri Sanjay Yadav R/O Village- Mahkar,
Post-Siur, Ps. Roh, Dist. Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366A, 376 of the Indian Penal Code and Section 8 of the POCSO Act.

As per FIR, the allegation against the petitioner is that he abducted minor daughter of the informant's daughter due to ulterior motives.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. As per Para-3, of the petition the petitioner has got no criminal antecedent. It is further submitted that medical report of the victim did not support the prosecutin version. Moreover,



the petitioner is languishing in judicial custody since 12.01.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that charge sheet has been submitted under Sections 366A, 376 of the IPC. And during investigation statement of the victim was also recorded under Section 164 of the Cr.P.C., which is annexed with case diary wherein she has stated that the petitioner enticed her and took her to Delhi and he used to commit rape with her and also used to threaten her of dire consequences, if she will protest.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of commission of rape to the victim, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial within nine months failing which the petitioner will be at liberty to renew his prayer for bail application.

(Sunil Kumar Panwar, J)

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