

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46935 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BAGENGOLA District- Buxar

Vicky Yadav Son of Dhanraj Yadav Resident of village - Mahuar, P.S. -
Nainijor (Brahmpur), Distt. - Buxar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.05.2023 in connection with Bagen Gola P.S. Case No. 42 of 2023, F.I.R. dated 01.04.2023 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code along with Section 6 of the POCSO Act.

3. According to prosecution case, the petitioner is alleged to have abducted the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that 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.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that the victim was recovered and her statement under Section 164 of the Cr.P.C. was recorded, in which she has categorically stated that she has performed the marriage with the petitioner but she has not stated the date or place, where she has performed the marriage with the petitioner. He further submits that even the petitioner has not stated anything in the bail petition that he has performed the marriage with the victim. He further submits that the medical report of the victim suggest that there is possibility of the sexual assault against the victim and the victim was minor at the time of occurrence.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Bagen Gola P.S. Case No. 42 of 2023 pending in the court of learned Additional District & Sessions Judge – VIth – cum - Special Judge, POCSO Court, Buxar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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