

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48574 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- TAJPUR District- Samastipur

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BABLU KUMAR SON OF LATE RAM UDESH MAHTO RESIDENT OF
VILLAGE- CHAKLA WAINI, PS- TAJPUR (WAINI OP), DISTT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Mahendra Pratap
For the Opposite Party/s :	Mr. Shyam Bihari Singh
For the Informant	Mr. Ramakant Sharma, Sr. Adv.
	Mr. Abhay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Sections 363, 366A of the
Indian Penal Code and subsequently chargesheet has been
submitted u/s 363, 363A of the IPC and Section 8, 17 of the
POCSO Act.

3. As per allegation in the FIR, minor daughter of
the informant is differently able and on 8.12.2022, some
unknown persons abducted her and thereafter committed
rape.

4. It is submitted by learned counsel for the



petitioner that petitioner has been falsely implicated in this case. Petitioner is not named in the FIR. Allegedly, petitioner had taken her away from Muzaffarpur to Delhi but surprisingly, now where, she raised alarm for help. There is delay of 14 days in lodging the FIR without any valid reason. Victim herself left her house by her own choice for which he left herself written note in her house, which is a part of the case diary. From medical report it appears that victim is major girl of 18 years and doctor has not found any sign of recent sexual assault. Petitioner is languishing in judicial custody since 21.2.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that statement of the victim girl was recorded u/s 161 Cr.P.C. as well as 164 Cr.P.C., wherein she has made direct allegation of abduction and commission of rape against the petitioner. She is minor girl aged about 13 years.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



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

(Sunil Kumar Panwar, J)

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