

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50982 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- BAIRIYA District- West Champaran

SHYAM SUNDAR PANDIT S/o Ram Barosh Pandit R/o village- Malkauli,
Pathkauli, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bairiya P.S. Case No.181 of 2022, registered for the offences punishable under Sections 366A, 376 and 506 of the Indian Penal Code and Section 12 of the POCSO Act.

The case of the prosecution, in brief, according to the informant is that the petitioner herein had allured the informant on the pretext of marrying her and had taken her away from Bettiah via Patna to New Delhi on 24.04.2022 and had also misled the informant resulting in the informant



having taken a sum of Rs.1 lakh in cash, gold chain, ear rings along with her. It is also alleged that first the petitioner had taken the informant in the night to his house at Malakuli, and then to New Delhi and on the way, he had put vermilion on the forehead of the informant and declared her to be his wife. It is also alleged that subsequently, he had shown blue film to the informant resulting in her getting excited whereafter he had established physical relationship with her as also had made a video clip of the said act. It is also alleged that the informant was caught at New Delhi on the railway station by her relatives and then, she was brought by her father back to Bettiah, but still the petitioner kept on harassing the informant by ringing on her mobile phone repeatedly and had also threatened her that he would make her obscene photographs and video viral.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing



in custody since 26.06.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case which is apparent from the fact that the victim girl had voluntarily fled away with the petitioner and had not raised any alarm while either boarding the train or while being on way to Delhi.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that the victim girl has corroborated the incident in her statement made under Section 164 CrPC, before the learned Magistrate, and moreover, the age of the victim girl has been assessed as 17 years, hence, the consent of the victim would be of no consequence, apart from the fact that there are ample materials



available on record of the case to *prima facie* show the complicity of the petitioner in the alleged crime, hence, this Court is not inclined to grant bail to the petitioner herein.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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