

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61243 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

VIJAY @ AMAN S/o Sushil @ Sitlu R/v - Chahalpatti, P.S.- Raaund
(Rajaund) O.P. Kithana, District- Kaithal (Harayana)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56233 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

AJAY YADAV S/O CHANDRADEEP YADAV Resident of village- Braham
Asthan, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61243 of 2022)

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

For the Informant : Mr. Vatsal Verma, Advocate

(In CRIMINAL MISCELLANEOUS No. 56233 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

For the Informant : Mr. Vatsal Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-04-2023 Heard learned counsel for the petitioners, learned
counsel appearing for the informant and learned Additional
Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
29.05.2022 in connection with Mukhdumpur (Tehta O.P.) P.S.
Case No. 99 of 2022, F.I.R. dated 19.02.2022 for the offences



punishable under Sections 363 of the Indian Penal Code and later on charge-sheet has been submitted under Sections 363, 366(A), 376(iii), 376, 372, 373, 370, 370(iii), 467, 468, 471, 420, 120(B) of the Indian Penal Code and Sections 4, 6, 8, 10 of the POCSO Act and Section 8 and 9 of the Immoral Trafficking Act.

According to prosecution case, on 07.02.2022 at about 2.00P.M. the informant's minor daughter aged about 13 years had gone to Tehta market, but she did not return till evening. Then the informant started to make search but till date she is trace-less. Informant has suspected that some one has kidnapped her.

Learned counsel for the petitioners submits that petitioner namely, Vijay @ Aman has clean antecedent and petitioner namely, Ajay Yadav carries four criminal antecedents other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated and the medical report does not support the allegation as alleged in the F.I.R.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently



opposed the prayer for bail of the petitioners and submits that the medical examination of the victim was conducted after more than two months of the date of occurrence and the statement of the victim which was recorded under Section 164 of Cr.P.C. in which she has supported the allegation as alleged in the F.I.R.

Vide order dated 21.03.2023 a report was called for with regard to the present stage of trial. Report dated 03.04.2023 reveals that out of eleven charge-sheet witnesses, six witnesses have already been examined and the case is pending for the examination of the rest prosecution witnesses.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mukhdumpur (Tehta O.P.) P.S. Case No. 99 of 2022 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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