

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63762 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Raja Son Of Mohammad Mahfuj Alam @ Mahfuj R/V- Khetari Mohalla,
P.S- Ara Town, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with District Bhojpur P.S. Case No. 178 of 2022 instituted for the offence under Sections 363, 366A, 376 of the Indian Penal Code and Section 4 of POCSO Act.

As per allegation in the FIR, petitioner has abducted the minor daughter of the informant with a view to marry her.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. In fact, petitioner was in love with the informant and in her statement recorded u/s 161 Cr.P.C. she has stated that petitioner was known to her and both were in talking term and performed marriage. Later on she has given tutored statement recorded u/s



164 Cr.P.C., which is beyond the fact. Petitioner is languishing in judicial custody since 15.3.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that as per medical report, doctor has assessed her age between 15-17 years. In impugned order learned lower court has recorded her age below 18 years. In statement recorded u/s 164 of the Cr.P.C. she has made direct allegation of abduction and rape against the petitioner.

Though, she has accepted about her marriage before the police recorded u/s 161 of Cr.P.C. but since the victim is a minor girl and she is not able to marry, petitioner has performed marriage with her, which is an offence.

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.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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