

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68893 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- DHANAHAN District- West Champaran

VIJAY MALLAH son of Murat Mallah @ Murat Chaudhary Village-
Mushhari Bhagwan Pandey Tola Ps- Dhanaha District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dhanaha P.S Case no. 32 of 2023 registered under sections 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that on waking up at night, he and his wife found his 16 year old minor daughter missing who was not to be found inspite of search. It is further stated that it transpired that the petitioner had taken her away for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case at the instance of the informant. It is a case of love affair between the alleged victim and the petitioner herein. She went out of her own



freewill and has returned. Her statement was recorded under section 164 Cr.P.C at the instance of and under the pressure of her parents. The petitioner is in custody since 1.6.2023 and charge-sheet has been submitted in the case. It is lastly submitted that even on medical examination nothing adverse has been found against the petitioner.

5. The application for bail is opposed by learned A.P.P for the State who referring to the statement under section 164 Cr.P.C of the daughter of the informant submits that she supports the prosecution case.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the contents of the statement of the daughter of the informant under section 164 Cr.P.C wherein she states that the petitioner forcibly established physical relations with her, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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