

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4735 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- BIHIA District- Bhojpur

Sujit Rai S/O Shahdev Rai @ Sahdeo Rai Village- Bara, P.O. Kharauni, PS.
Bihia, Dist. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bihia
P.S. Case No. 194 of 2023 giving rise to POCSO - 97 of 2023
instituted for the offences under Section 363 of the Indian Penal
Code.

3. As per prosecution case, the allegation against the
accused persons including the present petitioner is of
kidnapping the Informant's minor daughter by car. The
Informant and others tried to inquire but, could not find her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the victim is a major and even in the medical examination, no sign of rape has been found. All the witnesses in this case are interested witnesses. He further submits that the date of occurrence is 29.07.2023 and the victim has returned on 01.08.2023. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 02.08.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named in the F.I.R. and the doctor has assessed the age of the victim girl to be 17-19 years. He further submits that several witnesses have supported the prosecution case. The victim girl in her statement made under Section 164 Cr.P.C. has fully supported the prosecution case. He further submits that charge-sheet has been submitted under Sections 363, 366A, 376 of the I.P.C. and Section 4/6 of the POCSO Act and cognizance has been taken on 17.10.2023. This is a serious nature of offence and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the gravity of the offence which is serious coupled with the fact that the victim girl in her statement has corroborated the case of the prosecution, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of four months from the date of receipt/production of a copy of this order.

8. If the trial is not concluded within a period of four months, as stated above, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

