

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9069 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Roshan Kumar, aged about 18 years, Male Son of Gorkh Sah, Resident of
Village - Panditpur, P.S. - Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Piprakothi P.S. Case No. 243 of 2023 instituted for the offences
punishable under Sections 341, 323, 354, 366(A)/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, all accused persons
including the petitioner kidnapped the daughter of the
informant forcibly with an intention to marry her.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that the
informant and petitioner are not co-villagers and the petitioner



is living in Nanihal, which is the place of occurrence and due to dirty village politics, informant has lodged false and fabricated case against the petitioner. The real fact is that the informant's daughter is in love with Roshan Kumar (Petitioner) and both are major and wanted to solemnize marriage. Petitioner has got no criminal antecedent as stated in para 3 of the petitioner and is in custody since 01.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also perused the impugned order dated 07.12.2023 passed by the learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran, Motihari, Bihar, it appears that the victim girl in her statement recorded under Section 164 of the Cr.P.C. has stated that there is direct and specific allegation against the petitioner. The victim girl has clearly stated in her statement recorded under Section 164 of the Cr.P.C. that Roshan Kumar (Petitioner) had forcibly taken her away to Raxaul, without her consent. All the witnesses have also supported the prosecution case. The victim in her statement recorded under Section 161 of the Cr.P.C. and 164 of the Cr.P.C. have fully supported the version in the FIR.

7. Considering these facts and circumstances of the



case, including specific allegation against the petitioner and the victim statement recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order. However, if the trial is not concluded within the stipulated time, the petitioner shall have a liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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