

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15103 of 2024

Arising Out of PS. Case No.-325 Year-2022 Thana- PUPRI District- Sitamarhi

Vikesh Kumar @ Bhutkun Kumar Son of Nanda Mandal @ Nandu Mandal
R/o Village- Hariharpur, Ward No. 3, P.S.- Pupri, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2024 Heard Mr. Krishna Murari, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Pupri P.S. Case No. 325 of 2022 for the offence punishable under Sections 366(A) and 34 of the Indian Penal Code and section 8 of the POCSO Act lodged on 9.9.2022 by the informant, Savita Devi.

3. As per the prosecution story, one Savita Devi lodged FIR stating that the petitioner came to her house and took away her daughter and they left the place in a '*tempo*'. The further allegation is that her daughter also took away Rs 40,000/- from the house. She raised alarm, but by then the '*tempo*' had fled away. Accordingly, the FIR.

4. In this case, on 30.8.2023 taking into account the



statement made by the learned counsel for the petitioner that the girl in her 164 Cr.P.C. statement has not alleged anything against him, the relief was extended to him but with a rider that if it is found that she indeed had made allegation, the order shall become infructuous.

5. The fact remains that contrary to the submission of the learned counsel for the petitioner, the girl in her 164 Cr.P.C. statement admits allegation against this petitioner which has come in the order dated 16.10.2023 of the learned Sessions Judge.

6. In view of the fact that on the basis of wrong facts the petitioner tried to procure bail, for the present this Court is not inclined to extend him relief and the bail application stands rejected.

7. Considering the facts that he is in custody since 1.5.2023, this Court would expect that the trial Court conclude the trial in next six months.

(Rajiv Roy, J)

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