

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15679 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- MAHILA P.S. District- Nalanda

Abhay Kumar, Son Of Mahesh Ram, R/O-Lohra, P.S.-Harnaut, Distt.-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sinesh Paswan (Father Of Victim), Resident Of Village - Ibrahimpur, Police Station - Noorsarai, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 03-09-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 3(1)(r)(s)(w)(ii) and 3(2)(v) of the S.C./S.T. Act, registered in connection with POCSO Case No. 123 of 2023 arising out of Nalanda (Biharsharif) Mahila P.S. Case No. 41 of 2023.

3. The victim is a child as per Section 2(d) of the POCSO Act. The informant is mother of the victim girl. Allegedly, the petitioner was exploiting sexually the victim girl



for 1 ½ years on the pretext of marriage. It has further been alleged that the petitioner abused the informant by taking her caste name and also threatened to kill her when she inquired from the petitioner.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The mother of the victim (informant) has been examined as P.W.-1. She has only stated that the petitioner was teasing the victim girl. It has also been submitted that the marriage of the victim has been solemnized with someone else. Petitioner is a person of clean antecedent and he is in custody since 29.09.2023.

5. Learned counsel for the informant as well as Mr. Shailendra Kumar, learned APP for the State have opposed the prayer of bail by submitting that victim is a child as per Section 2(d) of the POCSO Act. The petitioner is a major person and he subjected her to sexual exploitation. The mother of the victim girl has also stated in her deposition that the petitioner had committed misdeed (galat kam) continuously for 1 ½ years with the victim.

6. Considering the above facts and circumstances of the case as well as the nature of allegation, this Court is not



inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands rejected.

(Nawneet Kumar Pandey, J)

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