

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20085 of 2024

Arising Out of PS. Case No.-30 Year-2022 Thana- DULHIN BAZAR District- Patna

Niranjan Kumar son of Suraj Paswan R/o- Barichak Ps- Dulhin Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kalyan Shanker, Advocate
	:	Mr. Smita Kumari, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 365, 363, 366 and 376 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.

3. As per allegation in the FIR, it is a case of abduction of the daughter of the informant by the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner has got clean antecedent and he is in custody since 14.02.2022. He further submitted that the victim girl has stated that she is living with the petitioner out of her own will.

5. Learned APP for the State opposes the prayer for



bail of the petitioner.

6. On perusal of the first information report, case diary, statement under section 164 of the Cr.P.C and impugned order dated 31.01.2024, it appears that the victim herself in her statement under Section 164 of the Cr.P.C. has stated that the petitioner has forcibly committed rape upon her for 5 (five days). On 05.02.2022, she went to market and petitioner forcibly took her away on four wheeler vehicle and made physical relationship with her. Chargesheet has already been submitted under sections 363, 365, 366 and 376 of the IPC and Section 4 & 6 of the POCSO Act, so considering all aspects of the matter and statement of victim girl recorded under Section 164 of the Cr.P.C. , I am not inclined to grant bail to the petitioner.

7. Prayer for bail of the petitioner is hereby rejected.

8. However, the trial court is directed to conclude the trial preferably within a period of six months.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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