

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21264 of 2024

Arising Out of PS. Case No.-431 Year-2023 Thana- NAUTAN District- West Champaran

Upendra Choudhary Son of Bhola Choudhary Resident of Vill.-Budhwalia
Dakshin Telhua, Ward No.10, P.S.-Nautan, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and learned APP
for the State and perusing the case diary.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 431 of 2023 instituted for the offence under
Section 366(A) of the Indian Penal Code read with Section 8 of
the POCSO Act.

3. Prosecution case in short on the pretext of marriage
petitioner has taken away the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-10-2023. Petitioner is a
man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of 21 days in lodging of the FIR. It is submitted that victim had gone with the petitioner at her own volition. It is next submitted that victim and the petitioner was in love affairs since 2021. It is lastly submitted that age of the victim is assessed to be 18 years.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that in the statement recorded under Section 164 of the Cr.P.C. victim has stated that she was in physical relationship with the petitioner and she is pregnant. Police after investigation has submitted charge sheet under Section 366A, 376 of the IPC and Section 4 of the POCSO Act. The cognizance has also been taken under Section 366A, 376 of the IPC and Section 4 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, perusing the case diary and nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is hereby **rejected**.

9. The Trial Court is directed to expedite the trial and



conclude the same within a period of six months from the date
of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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