

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20485 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- MUFFASIL District- West Champaran

Sumit Kumar S/o Munnilal Ram @ Rajeshwar Ram R/o - Chawanni, P.S. -
Bettiah Mufassil (Manuapool O.P.), Dist. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Mayank Mohan, Advocate

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

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with Bettiah
Muffasil (Banuchhapar OP) P.S. Case No. 787 of 2023 instituted
for the offence under Sections 366A/34 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. Prosecution case in short is that petitioner has taken
away the daughter of the informant for the purpose of marriage.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 24-12-2023. 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. It is submitted that there is delay of three days in lodging of the FIR. It is evident from perusal of the FIR that the victim and the petitioner was in love affair. It is also apparent from the FIR that victim in past also has herself gone to the petitioner house. There is contradiction in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 42 of the case diary, it is submitted that victim was subjected to establish physical relationship with the petitioner.

7. Considering the aforesaid facts and circumstances of the case, materials available on record 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 **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.

10. However, petitioner will be at liberty to renew his prayer for grant of bail before the court below, if the trial is not concluded within a period of six months and the trial court shall consider the same without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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