

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20186 of 2024**

Arising Out of PS. Case No.-349 Year-2023 Thana- BABUBARHI District- Madhubani

Bishnu Kumar Ram S/O- Hareram Ram R/O- Village- Jathi Madandobh, P.S.-
Babubarhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, 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 363, 376 and 366(A)/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per allegation in the FIR, the minor daughter of the informant was went to market but when she did not return till late night, the informant starts searching her and during search he came to know that petitioner along with some other boys have abducted his daughter.

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 08.11.2023.

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 13.02.2024, it appears that the victim herself in her statement under Section 164 of the Cr.P.C. has stated that on 04.11.2023 she went to market and petitioner forcibly took her away on four wheeler vehicle and made physical relationship with her. In para-2 of the case diary, it appears that on the basis of school leaving certificate of victim, the age of the victim is mentioned as 01.01.2007 as such on the alleged date of occurrence, the victim is found to be minor and the chargesheet has already been submitted under sections 363, 366(A) and 376 of the IPC and Section 4 of the POCSO Act, so considering all aspects of the matter, 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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