

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21071 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- JOGAPATTI District- West Champaran

Riya Kumari Son of Mangani Raut R/O-Manguraha, P.S.-Govindganj, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Yogapatti P.S. Case No. 23 of 2024 instituted for the offences
under Sections 363, 366A of the Indian Penal Code and Section
12 of the POCSO Act.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of fleeing away the
16-year-old minor girl/daughter of the Informant for the wrong
purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on suspicion. He further submits that the victim girl has
left the house with the petitioner out of her sweet will in search



of job. The date of occurrence is 08.01.2024 but, the F.I.R. has been lodged on 15.01.2024 i.e. after seven days of the date of occurrence which falsifies the prosecution case. The medical report of the victim girl also does not show any sign of recent sexual intercourse. The petitioner has no criminal antecedent. The petitioner herself is a lady and is languishing in judicial custody since 20.01.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named accused in the F.I.R. and has committed serious offence. He submits that from the statement of the victim girl made under Section 161 Cr.P.C., it appears that the petitioner took away the victim to Muzaffarpur and after that to Delhi at her sister's house and there she kept her for four to five days. In the meantime, the petitioner used to threaten her for marriage and when she agreed for the same, she was brought back to her village and, in the evening, the victim girl was recovered from her house. In the 164 Cr.P.C. statement, she has also corroborated the statement made by her under Section 161 Cr.P.C. and has also stated about the sexual assault.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also the taking into account the statements made under Sections 161 and 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

8. The District Magistrate, West Champaran and the Superintendent of Police, Bettiah, West Champaran are directed to ensure the timely presence of the witnesses as and when required by the court below so that the trial could be conclude as early as possible.

9. Let a copy of this order be sent to the District Magistrate, West Champaran and the Superintendent of Police, Bettiah, West Champaran for strict compliance of this order.

(Rudra Prakash Mishra, J)

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