

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31275 of 2024

Arising Out of PS. Case No.-574 Year-2023 Thana- HARSIDHI District- East Champaran

Arbind Kumar @ Munilal Kumar @ Munnilal Kumar Son of Late Hari Sah
@ Harendra Sah Resident of Village- Bishunpura Teli Tola, P.S.- Harsidhi,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Anil Kumar, learned counsel for the
petitioner and Mr. Prem Kumar Jha, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 574 of 2023, FIR dated 29.09.2023 for
the offences punishable under Sections 363, 366(A), 504, 506
and 34 of the Indian Penal Code and under Section 8 of the
POCSO Act.

3. As per the prosecution case, petitioner along
with other co-accused person is said to have forcibly kidnapped
the minor daughter of the informant.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The petitioner is rotting in judicial custody since 30.09.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has forcibly abducted her and apart from that the date of birth of the victim is 29.01.2008 and thus, on the date of the occurrence the victim was minor.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Harsidhi P.S. Case No. 574 of 2023 pending in the Court of learned 6th Addl. Sessions Judge-Cum-Special Judge, POCSO Act, East Champaran at Motihari.

7. Prayer is refused.

8. However the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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