

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34187 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- BAGHA District- West Champaran

Ashish Kumar, Son of Ramji Sah, Resident of Village- Goriyapatti, Police
station- Bagaha ,District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vashisth Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-07-2024 Heard Mr. Vashisth Narayan Mishra, learned

Advocate appearing on behalf of the petitioner and the learned

Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Bagaha P.S. Case No. 119 of 2024 registered for the offence punishable under Sections 376, 315 and 34 of the Indian Penal Code and Section 4 and 17 of the Protection of Children From Sexual Offences Act (hereinafter referred to as “POCSO Act”).

3. Based upon the written report, the prosecution alleges that the minor daughter of the informant was subjected to sexual exploitation, leading to pregnancy, which has later on terminated by the petitioner with the help of others.

4. Learned Advocate appearing on behalf of the



petitioner contended that from the narrations made in the FIR, it is evident that the girl was carrying pregnancy of five months and, as such, *prima facie* it appears that there is unexplained delay in lodging of the FIR. The allegation made in the FIR has not been corroborated by the documentary proof. The victim was examined by the doctor and no sign of either miscarriage or premature delivery has been found. The informant came to know about the occurrence that her daughter was pregnant on account of sexual intercourse on 31.01.2024, but, the FIR has been instituted on 28.03.2024. Be that as it may, now the petitioner is in custody since 29.03.2024. Moreover, he is also a person of tender age, just reached twenty years, is the contention of learned Advocate for the petitioner.

5. On the other hand, learned Additional Public Prosecutor for the State drew the attention of this Court to the statement of the victim recorded under Section 164 of Code of Criminal Procedure, wherein she has supported the prosecution case and categorically stated that she was subjected to sexual intercourse by the petitioner, due to which she got pregnant and later on the petitioner with the help of other family members terminated the same. The medical report clearly suggests that the victim is a minor.



6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of Code of Criminal Procedure, as well as the medical report and the school registration certificate showing the victim as minor, this Court is not persuaded to enlarge the petitioner on bail. Accordingly the prayer for bail of the petitioner stands rejected for present.

(Harish Kumar, J)

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