

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38455 of 2024

Arising Out of PS. Case No.-56 Year-2020 Thana- BHEJA District- Madhubani

Raushan Kumar Paswan S/o Akali Paswan R/o vill - Bheja, P.S. - Bheja,
Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Gagan Deo Yadav, learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
24.03.2024, in connection with Bheja P.S. Case No. 56 of 2020,
FIR dated 03.07.2020 for the offences punishable under
Sections 363, 366(A) and 34 of the Indian Penal Code and later
on added under Section 376 of the Indian Penal Code and
Section 4 of the POCSO Act.

3. As per the prosecution case, petitioner along
with other co-accused person has kidnapped the 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 in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the statement of victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has not abducted her and she has gone with him with her own will. The petitioner is rotting in judicial custody since 24.03.2024.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that although victim has stated in favour of the petitioner but it appears that the age of victim as assessed by the medical board is 15-16 years and apart from that it appears from statement of the victim recorded under Section 164 Cr.P.C. itself that the petitioner has made physical relationship with the victim girl who is minor.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Bheja P.S. Case No. 56 of 2020 pending in the Court of A.C.J.M.-I, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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