

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40887 of 2024

Arising Out of PS. Case No.-38 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

Bittu Kumar S/o- Late Shankar Prasad Village- Riga Ps- Riga Dist- Sitamarhi
... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim D/o- Ramchandra Thakur Village- Riga Ps- Riga Dist- Sitamarhi
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma
For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 30-09-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Sitamarhi Mahila P.S. Case No. 38 of 2018 for the offences punishable under Sections 376, 506 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. As per allegation, the petitioner sexually exploited the victim on the false pretext of marriage. He also threatened not to narrate the occurrence to anybody.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that two days prior to the occurrence, an informatory application was filed by the petitioner in the Court of learned Chief Judicial Magistrate in



which it was mentioned that there was previous enmity between the parties and on earlier two occasions, some altercation had taken place between the parties. The name of the father of the victim has also been mentioned in the informatory application. He has also submitted that the trial is going on at the snail pace as only one witness, out of nine chargsheeted witnesses has been examined up-till-now. The petitioner is a person of clean antecedent and is under custody since 03.04.2014.

5. On the other hand, the learned counsel for the informant and learned APP for the State have opposed the prayer for bail and submitted that the victim has fully corroborated the allegation in her statement recorded under Section 164 of the CrPC. She also corroborated the allegation in her deposition recorded during the trial to which the learned counsel for the petitioner submits that some portion of the deposition of the victim is contrary to the FIR as well as her restatement. In her restatement and FIR, she did not mention about the videography whereas she states about it in her deposition for the first time.

6. Considering the above-mentioned facts and circumstances, this criminal miscellaneous petition is disposed of with the observation that the petitioner, if so advised, may



renew his prayer for bail after six months, if the trial is not concluded.

(Nawneet Kumar Pandey, J)

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