

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45899 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- GOGRI District- Khagaria

Chandan Kumar @ Chhote Lal Son of Late Dukhi Sah R/O Vill.- Mushkipur,
P.S.- Gogari, Dist.- Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Prem Kumar Son of Late Nandan Prasad R/O Vill.- Shargarh, P.S.- Gogari,
Dist.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with POCSO
Case No. 71 of 2023 arising out of Gogri P.S. Case No. 187 of
2023 dated 05.06.2023, instituted for the offence punishable
under Sections 366(A)/34 of the Indian Penal Code.

3. The prosecution case, in short is that on 21.05.2023
at 5.30 am when the informant's daughter went to coaching, she
did not return. On enquiry, he learnt that she was kidnapped by
the F.I.R named seven accused persons and when he asked them
about her daughter, all the accused persons threatened that his
daughter has been sold.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that victim girl has not been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that neither the petitioner has been named in the F.I.R., nor during the course of investigation, the witnesses have named the petitioner. Learned counsel for the petitioner further submits that during the course of investigation, the investigating officer in paragraph 33 of the case diary, has stated that the victim girl denied her internal medical examination by the doctor. Learned counsel for the petitioner further submits that the actual age of the victim girl has not been ascertained. Lastly, it has been submitted that the petitioner is in custody since 06.09.2023 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner stating that victim is minor girl aged about 16 years. Allegation levelled against the petitioner has been corroborated by the statement of the victim recorded under Section 164 Cr.P.C.

6. In the statement recorded under Section 164 Cr.P.C., the victim stated that the petitioner took her to Ludhiyana, where he married the victim girl and established physical relation with her. In the statement, the age of the victim girl has been



assessed as 16 years.

7. Considering the facts that the victim is minor girl and there is specific allegation against the petitioner which has been corroborated by the victim girl in her statement recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer of grant of bail on behalf of the petitioner is rejected.

(Khatim Reza, J)

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