

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47660 of 2024**

Arising Out of PS. Case No.-19 Year-2024 Thana- PHULWARIA District- Begusarai

Sanjay Kumar Son Of Bablu Choudhary Resident Of Village - Phulwariya-03,  
Ward No.-12, Rine Nagar, P.S. - Phulwariya, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md.Razik Son of Marhum Md.Noor R/o- Phulwadiya 3 ward no.12 Raain Nagar Barauni Nagar Parishad ward no.4, P.S-Pphulwadiya District-Begusarai.

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Sarvottam Kumar, Advocate |
| For the State        | : | Mr. Gauri Shankar Gupta, APP  |
| For the Informant    | : | Mr. Dharendra Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

5      12-11-2024              Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant. Perused the case diary.

2.      The petitioner seeks bail in connection with Phulwariya P.S. Case No. 19 of 2024 instituted for the offence under Sections 366A & 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act and later on, Section 376 of the IPC was added.

3.      Prosecution case in short is that petitioner along with other co-accused has abducted the minor daughter of the informant by luring her and with an intention to commit rape or



trafficking.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-03-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that from perusal of the statement of victim girl recorded under Section 161 of the Cr.P.C., it appears that she was in love affair with the petitioner since last 3-4 years and she along with the petitioner went to Ahmadabad and solemnized marriage and established sexual relationship at her own volition. It is submitted that statement recorded under Section 164 of the Cr.P.C. is very short, comprising of two lines. There is delay of two days in lodging of the FIR.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution case, which fact finds mention at paragraph Nos. 2 5, 7, 8 & 9 of the case diary. It is fervently submitted that victim was found pregnant of eight weeks at the time of medical examination.

7. Considering the aforesaid facts and circumstances



of the case and taking into the fact that there is no element of forceful kidnapping and forceful intercourse, but on the date of occurrence, the victim was child and consent of the child victim has no meaning in the eye of law, accordingly, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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