

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52932 of 2024

Arising Out of PS. Case No.-322 Year-2022 Thana- ITARHI District- Buxar

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Amit Kumar Choudhary Son of Lal Bahadur Choudhary R/O Vill.- Itarhi,
P.s.- Itarhi, Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Pratap Singh Son of Angad Singh R/O Vill.- Atrawna, P.s.- Itarhi,
Dist.- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, APP

For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
POCSO Case No. 02 of 2023 arising out of Itarhi P.S Case No.
322 of 2022 instituted for the offences under Sections 363,
366(A) & 376 of the IPC and Section 4 of the POCSO Act.

3. The earlier bail application of the petitioner was
rejected *vide* Annexure-1 to the present application taking into
account that the fact that there is direct allegation against the
petitioner of rape.

4. Prosecution case, in brief, is that informant alleged
that petitioner had abducted her daughter due to ulterior motive.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner further submits there is delay of fourteen days in lodging of the FIR. It is submitted that during course of investigation, police recovered the victim girl and produced before the Magistrate for recording statement under Section 164 of the Cr.P.C. and from perusal of the same, it appears that she narrated entire incidence on the instruction of her parents. It is submitted that there is no medical report available on record and at the time of occurrence, victim was major. Petitioner is in custody since 28-10-2022, having clean antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner had established physical relation with the victim thereafter he dropped her home and denied to solemnize marriage with her.

7. A report was called for from the Trial Court. It has been reported that eight out of ten charge sheet witnesses have been examined and trial is likely to be concluded within a period of four months.



8. Considering the aforesaid facts and circumstances of the case and from perusal of the report of the trial court, it appears that trial is at the verge of its conclusion as there is only two witnesses who are yet to be examined, therefore, I am not inclined to grant bail to the petitioner. The prayer is *rejected*.

9. The trial court is directed to expedite the trial as early as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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