

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67369 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- BIHIA District- Bhojpur

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Bittu Kumar @ Saklu Son of Late Gorkh Prasad @ Late Gorakh Sah Resident
of Sahebtola Bihiya ward no. 2, Gayatree Marriage Hall, P.S.- Bihiya, Dist.-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP
For the Informant : Mr. Rajen Sahay, Adv.

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

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Bihiya
P.S. Case No. 105 of 2024 instituted for the offences under
Sections 363, 366A, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of seducing and taking away the 15-years old minor
daughter of the Informant with an intention of marrying her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to previous enmity. He further submits that the petitioner has been falsely implicated in this case as there was love affairs between the petitioner and the victim girl and she wants to marry her. In the statement of the victim girl made under 161 Cr.P.C., she has stated that the petitioner is known to her and always they used to talk on mobile. In the 164 Cr.P.C. statement, the victim girl has stated that on 29.03.2024, she accepted the proposal of the petitioner for marriage and ran away with the petitioner and performed court marriage in Patna Gaighat Court and also got married in the temple. Learned counsel for the petitioner further submits that the date of occurrence is 29.03.2024 but, the F.I.R. was registered on 01.04.2024 and the same was seen by A.C.J.M.-V on 05.04.2024 without there being any plausible explanation for such delay. Save and except remote suspicion, there is nothing against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation of taking away the minor victim girl of the Informant against the petitioner. At the time of occurrence, the victim was minor and,



as per statement of the victim girl made under Section 164 Cr.P.C., the petitioner, after luring, solemnized marriage with her and also made physical relationship. The I.O. after investigation has also submitted charge-sheet against the petitioner under Sections 363, 366A, 376 of the I.P.C. and Section 4 of the POCSO Act. The offence alleged is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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