

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60823 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

Prachit Kumar S/O Chhedi Sah R/O Village/Muhalla- Pachgachhia, Ward No. 11, P.S- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. X NA NA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

9 07-05-2024 Heard learned counsel for the petitioner and learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 13 of 2023 instituted for the offence under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Prosecution case as emanated from the FIR, is that on the false promise of marriage, petitioner had established physical relationship with the victim/informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17-05-2023. 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 there is vital contradictions in the statement of the victim recorded under Section 161 and 164 of the Cr.P.C. He further submits that neither any Panchayat was held nor the attendance of Panch were taken nor any document of Panchayat is attached with the written application. It is lastly submitted that police after investigation has submitted charge sheet.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to the impugned order, it is submitted that age of the victim is assessed to be between 14 to 16 years of age. It is next submitted that contents of the FIR corroborates with the statement of the victim recorded under Section 164 of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case, charge sheet being submitted and seriousness and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. The prayer for grant of bail is **rejected**.

9. 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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