

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67923 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- NIRMALI District- Supaul

Chandan Kumar Son of Mahendra Sah @ Mahendra Prasad Resident of
village - Mahadeva, Police Station - Laukhi, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hidden Daughter of Mangal Sah Village- Nirmali, PS- Nirmali, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and Learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
POCSO Case No.117 of 2023, arising out of Nirmali P.S. Case
No.278 of 2023, lodged on 14.12.2023, under Sections
366/366A/376/506 of the Indian Penal Code and under Sections
4/6 of the POCSO Act.

3. As per the prosecution, the allegation against the
petitioner is that he has kidnapped and raped the minor girl, who
is alleged to be his student.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that from the FIR it transpires that it has been filed after a gap of 11 months. Learned Counsel further submits that the petitioner is in custody since 24.12.2023 having no criminal antecedent. Counsel has specifically mentioned that in the rejection order the date of custody has wrongly been mentioned as 26.06.2024 but the actual date is 24.12.2023. Counsel submits that charge has already been framed and trial is going on.

5. Learned Counsel for the State opposes the prayer for bail and submits that the POCSO Act has been added in the present FIR. Charge has also been framed under the POCSO Act.

6. In this view of the matter, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected. However, liberty is granted to the petitioner that he may renew the prayer for bail one year after the date of cognizance.

(Dr. Anshuman, J.)

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