

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72043 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SIKTA District- West Champaran

Mahavir Yadav Son Of Prabhu Yadav Resident Of Village- Shikarpur, Ps-
Sikta, Dist- West Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur

For the Opposite Party/s : Mr.Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for regular bail has been
filed by the petitioner in connection with Sikta P.S. Case
no. 50 of 2023 instituted for the offence punishable under
Sections 363, 366(A) of the Indian Penal Code and Section
8 of the POCSO Act.

3. As per allegation in the FIR, petitioner has
abducted the minor daughter of the informant, aged about
13 years, and took her to Jhalandhar for two months and
committed rape on regular basis.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. Victim was in talking term with the



petitioner and there was love affair between them. There is delay of two months in lodging the FIR, which creates doubt in authenticity of the prosecution case. Petitioner has got no criminal antecedent and languishing in judicial custody since 27.5.2023.

5. Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of abduction and rape against the petitioner. AS per deposition report, victim girl is minor of 13 years.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor girl of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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