

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70883 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

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AMIT KUMAR S/O MAHENDRA SAH VILLAGE- DADPUR, PS.
KHARIK, DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Naugachia (Mahila) P.S.
Case no. 23 of 2023 registered under sections 376, 504, 506 and
420 of the Indian Penal Code and section 4 of the POCSO Act.

3. As per the prosecution case, the informant states
that the petitioner taking benefit of the absence of her parents,
on the false assurance of marrying her established physical
relations with her. It is further stated that on her conceiving, she
was made to abort.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. It was a case
of love affair between the parties. The false case has been
lodged at the instance of one Gulshan Yadav. Learned counsel



for the petitioner referring two different paragraphs of the case diary submits that even in the medical examination, her age has been assessed to be between 17 -19 years by the radiologist. The petitioner is in custody since 6.6.2023 and has no criminal antecedent. It is further submitted that so far as the date of birth of the alleged victim being 1.8.2009 is concerned, the same is categorically denied and the Investigating Officer has not even examined the Head Master of the school who has allegedly given that certificate.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation and the minor victim aged about 16 years having been found to be pregnant carrying for twenty weeks, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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