

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76044 of 2023

Arising Out of PS. Case No.-483 Year-2022 Thana- CHANPATIA District- West Champaran

MUKESH RAM S/O RAMDEV RAM RESIDENT OF VILLAGE-
RULAH, PS. MAJHAULIA, DIST. WEST CHAMPARAN (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Kumar Dwivedy, Advocate Mr. Yogendra Kumar, Advocate
For the State	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Raghvendra Kumar, Advocate Mr. Ankur Govind, Advocate Mr. Rishabh Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chanpatiya (Sirisiya O.P.) P.S. Case no.483 of 2022 registered under section 366A of the Indian Penal Code and sections 17 and 18 of the POCSO Act.

3. As per the prosecution case, the informant states that his minor daughter was kidnapped and taken away by the accused persons. It subsequently transpired that she was taken to Kashmir by the petitioner herein.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. It was Lalita



Devi and Raju Ram who had brought the daughter of the informant and kept her at the petitioner's house. The petitioner, who is a married person having three children, has no concern with the informant's daughter. There is a delay of three months in lodging of the F.I.R. with no explanation for the same. The petitioner is in custody since 18.10.2022 and charge has been framed in the learned trial Court. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the date of birth of the daughter of the informant being 3.4.2007, she was a 15 year old minor in the year 2022. In spite of her being a minor and the petitioner being a married person, the victim in her statement under section 164 Cr.P.C. talks about her marriage with the petitioner.

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 together with the statement of the victim under section 164 Cr.P.C. wherein she talks about her marriage with the petitioner who is already said to have been married having three children, the



Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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