

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73740 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- POTHIIYA District- Kishanganj

ROHITAS MEHTA @ ROHIT MEHTA Son of Late Bhulan Mehta @ Bhulan Singh Mehta Resident of village - Pothia Bazar, P.S.- Pothia, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Pothia P.S. Case No. 176 of 2023 instituted for the offence under Sections 363, 365, 366(A) of the Indian Penal Code and Sections 4, 8 of the POCSO Act.

3. Prosecution case relates to abduction of minor daughter of the informant, aged about 17 years by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. Although it is said that the petitioner abducted the victim but she did not raised any alarm. There is also one day delay in lodging the FIR i.e 7.8.2023 whereas the alleged occurrence took place on 6.8.2023. The



medical report of the victim does not in consonance with the prosecution case. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 11.9.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who has specifically been alleged to abduct the minor daughter of the informant. The victim was recovered whose statement u/s 161 as well as 164 of the Cr.P.C. has been recorded in which she stated that the petitioner abducted and took her to Patna and thereafter to *siligudi* where he made physical relation with the victim without her consent. According to medical report, doctor opined the age of the victim is about 17 years.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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