

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79049 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- BHAWANIPUR District- Purnia

Dilkhush Kumar @ Dayanand Kumar, Son of Vakil Sah, Resident Of
Viallgae_Teliyari, Ward No. 13, P.S Bhawanipur Distt Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.
For the State : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-01-2024 Today, the matter has come under the heading “To Be
Mentioned”.

Earlier Order No. 3, dated 18.01.2024 has
inadvertently uploaded on web-site and the privilege of bail was
also granted in the aforesaid order to the petitioner.

In that view of the matter, let the Order No. 3, dated
18.01.2024 is hereby rescinded from website and the correct and
complete order be read as under:-

“Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 363, 366A, 376/34 of the Indian
Penal Code and Sections 3/4 of the POCSO Act.

3. As per prosecution case, the co-accused persons



abducted the minor daughter of the informant and the specific allegation against this petitioner is of forcibly established physical relationship with the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that there has been delay of about 35 days in lodging the FIR. He further submitted that there was love affairs between the victim and the petitioner. Moreover, as per deposition, the victim is aged about 16 years. Petitioner is languishing in judicial custody since 22.09.2023.

5. Learned APP for the State has opposed the application for bail and submitted that petitioner is named in the FIR. He submitted that the victim is a minor girl and has been recovered. The statement of the victim has been recorded under Section 164 of the Cr.P.C. in which she specifically stated that this petitioner forcibly took her away from her house and went to *Ahmedabad*. The victim girl further stated that this petitioner kept her ten days in *Ahmedabad* and forcibly committed rape upon her, which corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

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 conclude the trial expeditiously.”

(Sunil Kumar Panwar, J)

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