

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.416 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- BATH District- Bhagalpur

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Sonu Kumar Paswan @ Sonu Kumar S/O PRAMOD PASWAN RESIDENT
OF VILLAGE- KARHARIYA, P.S. BATH, DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ambrish Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 19-03-2024
1. Heard learned counsel for the parties.
 2. The petitioner has preferred this application for grant of regular bail in connection with Bath P.S. Case no.69 of 2023 registered under sections 363 and 365 of the Indian Penal Code and section 4 of the POCSO Act.
 3. As per the prosecution case, the informant states that the three named accused persons including the petitioner herein have kidnapped her daughter. She is convinced for the reason that all three of them had called on the mobile phone at her residence and had talked to her daughter. On enquiries being made, it is stated that Sonu Kumar abused her.
 4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. In her statement under section 161 Cr.P.C., she has categorically stated therein that she went with the petitioner out of her own free will. She was on talking terms with him. As directed by Sonu, she went to the station where she has been given Rs.3,000/ by a friend of Sonu, whom she did not identify. Thereafter she went to Alwar where Sonu used to live. There Sonu married her and they were living like husband and wife. It is submitted that subsequently she changed her story in her statement under section 164 Cr.P.C. and in the trial. The petitioner is in custody since 23.6.2023 and has no criminal antecedent. Chargesheet has been submitted in the case. It is further submitted that the alleged victim was medically examined and her age was assessed to be 18 years. Thus, no case under the POCSO Act would be made out against the petitioner.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the contents of the statement of the victim under section 164 Cr.P.C. wherein she has made categorical allegation against the petitioner of having committed rape on her and the statement of the victim having supported the prosecution case in her



statement recorded in course of trial, the Court is not inclined to
enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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