

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1138 of 2024

Arising Out of PS. Case No.-659 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

Rita Devi Late Ajay Paswan R/o Village- Agarwa, P.S.- Town, District- East
Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Turkauliya (Banjariya) P.S. Case no.659 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 on returning home after having worked, he found his daughter missing. She was not to be found inspite of search.

4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The petitioner was falsely implicated in course of investigation. There are vital material contradictions between the statement of victim recorded under section 164 Cr.P.C and the material that has transpired in course of investigation. The petitioner is in custody since 17.9.2023



and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State who submits that in course of investigation the statement of the minor victim was recorded under section 164 Cr.P.C wherein she has made direct allegation against the petitioner of having forcibly detained her and compelled her to indulge in immoral acts as a result of which she also became pregnant which she was forced to terminate. The date of birth of the victim being 16.5.2009, she was a minor on the date of occurrence.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation specially the contents of the statement of victim under section 164 Cr.P.C and the allegations levelled against the petitioner in the said statement, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

