

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6775 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- PAHARKATTA District- Kishanganj

Supol Hembram S/o- Bihari Hembram Village- Halda PS- Pothia, Dist- Kishanganj

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X, Village- Singhimari Po- Raipur Panchayat Parlabari Ps- Paharkatta Dist- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP
For the Informant : None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 23-06-2025 Heard learned counsel for the petitioner and learned APP for the State. None appears on behalf of the informant despite notice being validly served. Perused the case diary.

2. The petitioner seeks bail in connection with Paharkatta P.S. Case No. 48 of 2024 instituted for the offences under Section 366A of the Indian Penal Code and further Sections 4/8 of the POCSO Act were added.

3. Accusation against the petitioner is of kidnapping victim girl.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of two



days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel for the petitioner submitted that victim in her Statement recorded under Section 164 of the Cr.P.C. has specifically stated that she left her house on her own sweet will and this petitioner never gave any compulsion or threat to her. He further submitted that nothing has been whispered against the petitioner in Section 164 Cr.P.C. statement of the victim. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.12.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that since the victim is minor, her consent has not meaning in the eye of law. Learned APP further submitted that police after investigation submitted that charge-sheet against the petitioner under Sections 363, 366A, 376 of the IPC and Sections 4/8 of the POCSO Act.

6. Considering the aforesaid facts and circumstances of the case, victim being minor as also charge-sheet being submitted under Sections 363, 366A, 376 of the IPC and Sections 4/8 of the POCSO Act, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today. If any such application is filed, the learned Trial Court shall consider the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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