

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6816 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- AMARPUR District- Banka

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Aman Chourasiya @ Aman Dip Kumar @ Aman Deep Kumar @ Aman Modi
Son of Umashankar Modi @ Mantu Modi Resident of Village - Jankipur, P.S.
- Amarpur, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar Son of Dhaneshwar Ray Resident of Village - Pavai, P.S. -
Amarpur, District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 13-08-2025 Heard Mr. Dharendra Kumar, learned counsel for the
petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Amarpur P.S. Case No. 380 of 2024 instituted for the offence
under Sections 366(A), 504, 506 & 34 of the Indian Penal Code
and Section 4 of the POCSO Act.

3. Prosecution case, in short, is that informant's
daughter went missing and while searching, it was discovered
that petitioner has kidnapped the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 05-08-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that victim is major and she has gone with the petitioner at her own volition, as is evident in her statement recorded under Section 164 of the Cr.P.C. As per medical report, doctor has assessed the age of victim between 17 - 19 years and no spermatozoa was found in the medical examination. Charge sheet has already been submitted in this case under Section 366(A) & 376 of the IPC and Section 4 of the POCSO Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to the statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that victim has stated that she was subjected to sexual intercourse by the petitioner and charge sheet in this case is submitted under Sections 366(A) & 376 of the IPC and Section 4 of the POCSO Act. Since, victim is minor, petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner levelled by the victim in her statement recorded under Section



164 of the Cr.P.C., this Court at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected* at this stage.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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