

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8623 of 2025

Arising Out of PS. Case No.-215 Year-2023 Thana- AANDAR District- Siwan

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Ashish Kumar Pandey S/O Umesh Pandey R/O Vill.- Kanhauli, P.S.- M.H. Nagar Andar, District-- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Devi W/O Brajesh Dubey R/O Vill.- Bhikhpur Bhagwanpur Tola Chakiya, P.S.- M.H. Nagar Andar, District-- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Andar (M.H. Nagar) P.S. Case No. 215 of 2023 dated 30.10.2023 (G.R. No. 5184 of 2023) registered for the offences punishable u/ss 363 and 366A of the Indian Penal Code however, the police has submitted charge-sheet under sections 363, 366A and 376 read with section 34 of the IPC and section 4/6 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor



daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the daughter of the informant was missing from 27.10.2023 but the FIR was lodged on 30.10.2023 i.e., the delay of three days and there is no explanation for the delay. It is further submitted that the victim girl was recovered by the police from her own house. Learned counsel has further submitted that there is no allegation against the petitioner for the offence of sexual assault. The petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the specific allegation of kidnapping and committing rape of the minor daughter of the informant is against the petitioner. As per the statement of the victim recorded u/s 164 of the Cr.P.C., the petitioner made victim unconscious by giving her alcohol and had sexual relations with her. When she woke up from unconsciousness, all her clothes were open.



6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Andar (M.H. Nagar) P.S. Case No. 215 of 2023, pending in the Court of learned Court of Exclusive Special Judge, POCSO, Siwan.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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