

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40442 of 2025

Arising Out of PS. Case No.-164 Year-2023 Thana- MUFFASIL District- West Champaran

Kundan Chaudhary S/o- Birjhan Chaudhary Moh- Chawani W.No-5, Ps-
kalibagh Dist-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Nazrullah Hawari S/o- Late Sahin Hawari Moh- Chawani, Chori
Masjid, Ps- Manuwapul OP Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP
For the O.P. No.2	:	Mr. Manaur Alam, Adv.
		Mr. Prashant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 09-09-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the O.P. No.2.
Perused the case diary.

2. The petitioner seeks bail in connection with
Mufassil Manuapul P.S. Case No. 164 of 2023 instituted for the
offences under Sections 363, 366(A), 34 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. As per prosecution case, the accused persons
including the petitioner forcibly took the victim girl on the
motorcycle and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



on account of ulterior motive of the Informant. He further submits that there is delay of three days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The victim girl in her statement recorded under Section 161 of the Cr.P.C. has stated that she is in love affair with the petitioner and she on her own free will solemnized marriage with the petitioner. In the 164 Cr.P.C. statement also, the victim girl has not made any specific allegation of any overt act against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.05.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. The Investigating Officer, after completion of investigation, has submitted charge-sheet finding the case true against the petitioner for offence under Sections 366A, 376 r/w 34 of the I.P.C. and Section 4 of the POCSO Act. The cognizance has also been taken against the petitioner under Sections 366A, 376 r/w 34 of the I.P.C. and Section 4 of the POCSO Act.



6. At this stage, learned counsel for the petitioner submits that the trial is going on and out of total six witnesses, five witnesses have already been examined and the last witness i.e. the Investigating Officer was examined on 24.06.2025.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case and keeping in view the nature of allegation, gravity of the offence, materials available in the case diary and the fact that the trial is going on and is at the advance stage, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of three months from today. If the trial is not concluded within the period of three months as stated above, the petitioner will be at liberty to renew his prayer before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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