

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52817 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Mithun Kumar @ Mithun Singh Son Of Bilo Singh Village- Khapur, Ps-
Ratwara, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Mandal Son of Late Wakil Mandal Village- Goritola, Pakra, Ward No. 8, Ps- Naugachia, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Nirbhay Prashant, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 08-01-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 75 of 2024 instituted for the offences under Sections 363, 366A, 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. Allegation against the petitioner is alluring the minor daughter of the informant with intention to marry.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the



present case. Learned counsel further submitted that police after investigation submitted charge-sheet under Sections 363, 366A, 34 of the IPC and Sections 4/6 of the POCSO Act. Learned counsel further submitted that the statement of the victim recorded under Section 164 Cr.P.C. is tutored one. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.03.2024 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 victim in her Section 164 Cr.P.C. statement has specifically stated that her marriage with the petitioner was solemnized against her will.

6. Considering the aforesaid facts and circumstances of the case, Section 164 Cr.P.C. statement of the victim, this Court is not inclined to grant bail to the petitioner.

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

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

(Rudra Prakash Mishra, J)

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