

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68703 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- Nawalpur District- West Champaran

Shushil Yadav @ Sushil Kumar Son of Jagdamba Yadav Resident of Village
-Dhadhwa, Bhawanipur PS -Nawalpur District -West Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. xxxxxx village- xxxxxx, Ps- Nawalpur, Dist- West champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

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

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nawalpur P.S. Case No. 40 of 2024 instituted for the offences
under Sections 341, 323, 366A, 504, 506, 34 of the Indian Penal
Code, Section 8 of the POCSO Act and Sections 3(1), (r)(s),
2(v-a) of the SC/ST Act.

3. Allegation against the accused persons including the
petitioner is of kidnapping the minor daughter of the informant.

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 four



days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.07.2024 and has two criminal antecedents.

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 statement recorded under Section 164 of the Cr.P.C. has specifically stated that this petitioner established physical relations with her.

6. Considering the aforesaid facts and circumstances of the case, Section 164 Cr.P.C. statement of the victim as also the fact that victim is minor, this Court is not inclined to grant bail to the petitioner at this juncture. Accordingly, the prayer of the petitioner for grant of bail is rejected.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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