

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73770 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- BIHRA District- Saharsa

Lalan Hansda, aged about 22 years, Gender-Male, son of Late Mohan Hansda, R/O Village- Bara Bharna, Ward No-2, P.S.- Bihra, Dist- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar.
2. X, Village- Bara Bharna, P.S.- Bihra, Dist- Saharsa.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 05-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with POCSO Case No. 43 of 2021, Bihra P.S. Case No. 165 of 2021 dated 20.08.2021 registered for the offences punishable under Sections 363, 366A read with Section 34 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 10.07.2021 in the evening, the minor daughter of the informant went to attend the coaching classes of the petitioner but she did not return to her house. The informant inquired about her daughter from the petitioner and from her relatives but she could not be traced out.



She raised suspicion against the petitioner and the co-accused Baiju Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to suspicion. It is submitted that in fact the petitioner was running coaching centre in which the daughter of the informant had come for attending the coaching classes and there was some issues of payment of tuition fee since long and when the petitioner demanded his dues from the parents of the victim girl, then this false case has been lodged against the petitioner. It is further submitted that the alleged date of occurrence is 10.07.2021 though the F.I.R. has been lodged on 20.08.2021 i.e., after a delay of forty days for which no explanation has been given by the prosecution. It is further submitted that not a single witness claimed to see the victim girl with the petitioner at the time of alleged kidnapping. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 21.08.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the victim is less than 18 years and she in her statement recorded under Section 164 of the Cr.P.C., has stated



that she used to go to the petitioner for attending the tuition and on 10.07.2021 i.e., the date of occurrence after attending the tuition, the petitioner and the co-accused Baiju Kumar told her to stay there and the co-accused Baiju Kumar provided her water and thereafter she became unconscious after drinking the said water. Thereafter, the petitioner came and committed rape on her and also made a video and threatened her to dire consequences and according to her further statement, it appears that the victim was raped by this petitioner for so many days.

6. Considering the aforesaid facts and circumstances as well as the heinous nature of allegation and also considering the statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with POCSO Case No. 43 of 2021, Bihra P.S. Case No. 165 of 2021, pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa.

7. The application stands rejected.

8. The court below is directed to conclude the trial of the petitioner at the earliest.

U.K./-

U		T	
---	--	---	--

(Chandra Prakash Singh, J)

