

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71211 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- PIYAR District- Muzaffarpur

Rahul Kumar Son of Parmeshwar Singh Village- Rudaha, P.S.- Bochahan,
Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjeet Paswan Son of Late Jamun Paswan R/O Vill.- Bargaon, P.S.- Piar,
Dist.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 25-02-2025 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 Piar P.S. Case No. 107 of 2024 dated 16.06.2024 registered for the offences punishable u/ss 344, 447 and 376 of the Indian Penal Code, Sections 4 and 6 of the POCSO Act and also u/ss 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of the SC/ ST Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant by alluring her. It is further alleged that on 16.06.2024, the informant came to know that since 24.05.2024, her daughter



was being sexually exploited and assaulted by the petitioner and was kept her at village Simra in his relation. Thereafter, the informant informed police and the victim was recovered from the possession of the petitioner at Simra. The informant further stated that on account of social prestige, he could not inform the police station earlier.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 24.05.2024 but the F.I.R. was lodged on 16.06.2024 and there is no explanation for this delay. The charge-sheet has been submitted against the petitioner. Learned counsel has further submitted that the petitioner is a married man having two children and he 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 17.06.2024.

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 of the minor daughter of the informant is against the petitioner. It is further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has stated that the petitioner had come at the wedding ceremony of her



cousin sister with bride-groom. The petitioner took the mobile number of the victim and started putting pressure on her to perform marriage with him and when she denied, the petitioner threatened kill to her parents. In the meantime, he used to call her at a school and committed rape on her on the point of gun. He was also putting pressure on the victim to leave and run away from her house. On 24.05.2024, the petitioner called her on mobile phone and kidnapped her by calling her at Bargao Mela to perform marriage and he started keeping her at a rented house at Zero mile. In the meantime, she was sexually exploited and later on she came to know that the petitioner is a married person having two children.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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