

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83650 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- KONCH District- Gaya

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Shipu Kumar Son of Shivcharan Das R/O Village- Dhanchuwa, P.S.- Konch,
District- Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar

- 2. Naulesh Das S.o Chandradeep Das R/o village-Dhanchuwa P.S.-Konch,
Dist-Gaya

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP
For the Informant : None

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

ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary. None appears on

behalf of the informant despite valid service of notice.

2. The petitioner seeks bail in connection with Konch
P.S. Case No. 214 of 2024 instituted for the offences under
Sections 341, 323, 366A, 504/34 of the Indian Penal Code.

3. Accusation against the petitioner is of luring away
the victim girl on the pretext of marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that victim in her Statement recorded under Section 164 of the Cr.P.C. has specifically stated that she was in love with the petitioner and she left her house on her own sweet will and this petitioner never gave any compulsion or threat to her. Learned counsel further submitted that victim eloped with the petitioner and she is pregnant and, therefore, in the interest of justice, the petitioner may be released on bail. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.06.2024 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 police, after investigation, submitted charge-sheet under Sections 366A, 376(3) of the Indian Penal Code and Sections 4/6 of the POCSO Act and thereafter, contended that since charge-sheet has been submitted under the POCSO Act, therefore the consent of the minor victim girl is legally irrelevant.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet being submitted under the POCSO Act and the involvement of the petitioner in the alleged offence, this Court is not inclined to grant bail to the petitioner.



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

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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