

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83357 of 2024

Arising Out of PS. Case No.-376 Year-2023 Thana- CHIRAIYA District- East Champaran

Shivji Pandit @ Shivjee Pandit Son of Late Gagan Pandit Resident of Village
- Ramban Bauhara, P.S.- Shyampur Bhatahan, District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Singh Son of Shiv Dayal Singh village- Semra, Ps- chiraiya,
Dist- East champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

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

ORAL ORDER

4 19-02-2025 Heard Mr. Ajay Kumar Singh, learned counsel for the

petitioner and Ms. Renu Kumari, learned APP for the State.

Despite issuance of notice, none appears for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Chiraiya P.S. Case No. 376 of 2023 instituted for the offence

under Sections 365, 366(A) of the Indian Penal Code and

Section 8 of the POCSO Act.

3. Prosecution case in short is that 30-07-2023, at

midnight, the informant's daughter went missing, and later, call

details revealed that petitioner, who was already married, had

allegedly enticed her away for marriage.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-09-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that daughter of the informant eloped with the petitioner at her own volition. It is next submitted that in pressure of informant, victim gave her statement under Sections 161 & 164 of the Cr.P.C., in which she stated that petitioner has forcible kidnapped her and committed rape upon her. There is delay of eight days in lodging of the FIR. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly contended that victim in her statement recorded under Section 164 of the Cr.P.C., had made her unconscious, took her to Ambala and forcibly married with her and also committed rape upon her, whereafter sold her to one Rahul in rupees one lakh. Witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances



of the case, there being direct allegation of enticing the victim and forcibly performing marriage, followed by commission of rape, which is duly corroborated by the statement of victim, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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