

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89063 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

Chikku Yadav @ Chinku Kumar Yadav S/o Late Jaikant Yadav @ Ashok Kumar Yadav, Resident of village- Naya Nagar, Rani Diyara, P.S. - Buddhu Chak, Distt. - Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Manju Devi W/o Arjun Mandal, R/o village - Naya Nagar, Rani Diyara, P.S. - Buddhu Chak, Distt.- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. (Dr.) Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-02-2025 Heard Mr. (Dr.) Manoj Kumar, the learned counsel

for the petitioner and Mr. Anuj Kumar Shrivastava, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

06.05.2024, in connection with POCSO Case No. 264 of 2023,

arising out of Buddhu Chak P.S. Case No. 109 of 2023, FIR

dated 31.10.2023, registered for the offences punishable under

Sections 363 and 365 read with Section 34 of the Indian Penal

Code and under Section 4 of the POCSO Act.

3. Earlier the petitioner has moved before this

Hon'ble Court for grant of regular bail in Cr. Misc. No. 59267

of 2024, which was rejected *vide* order dated 27.09.2024.



4. According to the prosecution case, the minor daughter of informant was abducted on gun point by the co-accused persons and was confined at an unknown place. It is further alleged that the co-accused persons used to administer intoxicants and misbehave with the victim.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

6. Vide order dated 10.01.2025, a report was called for with regard to the stage of the trial and report dated 06.02.2025 of the learned trial Court reveals that all the six prosecution witnesses have been examined and statement of the accused persons have been recorded under Section 313 of the Cr.P.C. and now the case is pending for defence evidence.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and statement of victim was recorded under Section 164 of the Cr.P.C. / Section 183 of BNSS, 2023 in which she has clearly stated that petitioner has



abducted her.

8. Considering the aforesaid facts and circumstances, the nature of allegation levelled in the FIR as well as the report of the learned trial Court, I am **not** inclined to enlarge the petitioner on bail in connection with POCSO Case No. 264 of 2023, arising out of Buddhu Chak P.S. Case No. 109 of 2023, pending in the Court of learned Exclusive Special Court of POCSO-cum-District and Additional Sessions Judge-VII, Bhagalpur.

9. Prayer is refused.

10. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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