

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2501 of 2015**

Arising Out of PS.Case No. -164 Year- 2014 Thana –MADHEPURA(BHARRAHI) District-  
MADHEPURA

Kasturi Sharma son of Ashok Sharma Resident of Village - Bishbari Rahi  
Tola, Police Station - Gwalpara, District -Madhepura.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-I (App)

**CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL**  
**ORAL ORDER**

3 13-03-2015

Heard the learned counsel for the petitioner and  
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence  
punishable under Sections 363 and 366A of the Indian  
Penal Code.

The prosecution case is that the daughter of the  
informant, aged about 13 years, had gone out to attend  
the call of nature in the evening on 25.2.2014 and  
thereafter she did not return to her house. During  
investigation it has come to the notice of the informant  
that petitioner and his brother-in-law were in touch with  
the daughter of the informant.

Learned counsel for the petitioner submits that  
the occurrence has taken place on 25.2.2014, the sanha  
has been given on 6.3.204 and F.I.R. has been lodged on  
20.3.2014, i.e., after about one month and there is no  
explanation for such delay. He has further submitted

that only suspicion has been raised against the petitioner and the informant is not the eye witness. The petitioner has no criminal antecedent and he is in custody since 21.3.2014.

Learned counsel for the State submits that during investigation it has come to light that petitioner was in close contact with the victim, the daughter of the informant and call recording of the mobile phone also shows that petitioner was in regular contact with the victim during the relevant period. The minor girl is still traceless. After investigation the case has been found true. The charge has also been framed against the petitioner on 14.11.2014, the prosecution witnesses are being examined and the trial is in progress.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail at this stage. His prayer for bail is rejected.

Let the trial of the petitioner in Sessions Trial no. 127 of 2014 arising out of Madhepura (Bharrahi) P. S. Case no. 164 of 2014 be expedited.

**(Amaresh Kumar Lal, J)**

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