

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26845 of 2016

Arising Out of PS.Case No. -193 Year- 2016 Thana -KATIHAR District- KATIHAR

Sanjeet Kumar Rishi, son of Laxmi Rishi, resident of Village Dewkali
Pekhar, P.S. Korha, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 13.05.2016
in connection with Katihar Sahayak P.S. Case No. 193 of 2016 for
the offences instituted under Sections 363, 366 and 376 of the IPC.

The prosecution story, in brief, is that the sister of the
informant, namely, Aruna Kumari, aged about 14 years, who was
sleeping in the room in the western side, was surprisingly found
missing from the room. He started tracing her out and in course of
search, a mobile phone bearing SIM No. 9060374763 was found
lying in the room. When he switched on mobile in order to talk
then he came to know that the aforesaid mobile belonged to Md.
Istiyak Alam and as such it become obvious that the said accused

Istiyak has enticed and kidnapped the minor sister of the informant with illicit intention.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.05.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He is not named in the FIR. His name has come in 164 Cr. P.C. statement of the victim. The allegations made by the victim is not supported by the medical examination report vide Annexure-3 to the present application.

On behalf of the State, it has been submitted that though the petitioner is not named in the F.I.R. but the victim in her statement has made direct allegation against him for establishing physical relationship.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Katihar Sahayak P.S. Case No. 193/2016, pending in the court of the learned C.J.M., Katihar.

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(Sudhir Singh, J)