

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69025 of 2018

Arising Out of PS. Case No.-268 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

Md. Danish Ali Khan @ Monu Ansari @ Danish Ali @ Monu, Son of Munna Khan, Resident of Village-Chhawani Mohalla, Ward No.8, Bhabua, P.S., Bhabua, Distt.-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-02-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner is languishing in custody since 21.07.2018 in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case as per the written report dated 14.04.2018 of Ranvijay Singh submitted to the Station House Officer of Bhabua Police Station is to the effect that on 01.04.2018 at 12.00 P.M., the informant's daughter, Laxmi Kumari, aged about 15 years, went to buy books but she did not return. The victim was searched but she could not be located. The informant suspicioned that the five FIR named accused persons including the petitioner have kidnapped the daughter of



the informant. Though, on 02.04.2018 the informant approached the FIR accused persons and requested them to allow his daughter to return.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. In the statement recorded under Section 164 of the Cr.P.C., the victim has stated that as how she was being enticed way by five persons, who had concealed their faces and thereafter, she was taken to Allahabad where she was kept for three days after administering some sedative and same boy brought her from Allahabad to Chainpur and thereafter both were apprehended. The person, who was apprehended by the police, was subsequently identified as co-accused Irfan Khan. The victim did not name the petitioner. It is further submitted that for the occurrence of 01.04.2018, the written report was submitted on 14.04.2018. The petitioner is in custody since more than six months but there is nothing on record to suggest that he has been put on T.I. Parade.

A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State and the learned counsel for the informant submit that in paragraphs 7, 8 and 9 statement of



Rishu Patel, Balwant Singh and Aswani Kumar have been recorded where they have stated that they saw the victim being taken away by five accused persons including the petitioner and tried to inform the informant through phone. It is further submitted that the bail application of co-accused Irfan Khan has been rejected by a co-ordinate Bench of this Court vide order dated 20.08.2018 passed in Cr. Misc. No. 49851 of 2018.

Considering the delayed lodging of the case, the statement of the witnesses in paragraphs 7, 8 and 9 which reflect that they saw the victim being taken away by accused persons on 01.04.2018 when the written report was submitted on 14.04.2018 but that does not suggest that the informant was even informed by these witnesses about the claim to have seen the victim being taken away by accused persons. In the statement recorded under Section 164 of the Cr.P.C. the victim has not named the petitioner, the case of co-accused Irfan Khan is distinguishable from the petitioner on the ground that the victim was apprehended in the company of Irfan Khan, moreover, during investigation Irfan Khan claimed to have performed marriage with the victim, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner



be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 268 of 2018, bearing its POCSO Reg. No. 19-A of 2018.

(Dinesh Kumar Singh, J)

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