

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13070 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- BARIYARPUR District- Munger

SHANKAR DAS S/o Chandradeo Das R/o village- Sahabad Goryasi, P.S.-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-06-2020 The present case was heard at length on 03.06.2020 and today it has been placed before this Court 'For Orders'.

The petitioner seeks regular bail in connection with Bariyarpur P.S. Case No. 89 of 2019 for the offence punishable under Sections 323, 341, 363, 366A, 504/34 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that the informant had organized *Shri Satyanarayan Bhagwan Puja* in the evening of 27.05.2019 wherein the acquaintances of the informant along with accused persons had participated. On 29.05.2019 at about 3:00 P.M. in the day time when the acquaintances of the informant were leaving, the petitioner told the informant to let her



daughter accompany him up to the market at Baniapur whereafter the daughter of the informant aged about 14 years had gone with the petitioner herein, however, when she did not come till evening, the informant had searched for her and had also gone to the house of the petitioner and enquired about her daughter upon which they informed the informant that the girl had already gone back to her house and when the informant told them that his daughter has not come back to the house, the accused persons including the petitioner herein started abusing the informant and assaulting him and told him that his daughter has been kidnapped.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 16.09.2019. It is further submitted that the victim girl has returned back to her home and has also given her statement under section 164 Cr.P.C. before the learned Magistrate, which would show that the petitioner has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having considered the submissions made by the learned counsel for the parties, taking into account the materials available on record as also upon perusal of the case diary in question, the complicity of the petitioner in the alleged crime i.e. kidnapping of the daughter of the informant is writ large. It is also apparent from the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate that the petitioner along with another co-accused person had kidnapped the victim girl and sold her. This Court finds that prima facie there is ample material in the case diary to show the complicity of the petitioner in the alleged crime and moreover the victim girl has also named the petitioner as the perpetrator of the crime, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, hence this Court does not find any merit in the present petition for grant of regular bail, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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