

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28665 of 2020

Arising Out of PS. Case No.-118 Year-2019 Thana- BAIRIYA District- West Champaran

Santosh Kumar @ Santosh Kumar Prasad, aged about 30 years, Male, S/o Amar Prasad, Resident of Village- Nautan Gosain Tola, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the State : Mr.Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Bairiya P.S. Case No. 118 of 2019 registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution story inter alia is that, informant Deepak Sah submitted his Fardbeyan stating therein that on 27.03.2019 at about 07:00 P.M. his sister namely Shobha Kumari aged about 14 years went for attending nature's call and when she did not return after a significant time, informant started searching her. In course of search, he asked his agnates and neighbours. Meanwhile, he came to know that his neighbor Rajan Sah knows about his sister's where about. Informant



called father of Rajan Sah namely Kailash Sah and started asking but he did not say anything. Informant further stated that after searching his sister's bed, he found a note on which a mobile Number 6201595568 was written, on which he called but that was switched off. After inquiry, he came to know, his sister has been kidnapped by the persons who hold this number with intention to marry. Informant further stated that three persons namely Rajan Sah, Kailash Sah and Lalsa Devi have helped the person who owns this mobile number in kidnapping of his sister.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner is a differently able with his right leg (50%) person. He enclosed the said certificate as Annexure-2 of the present bail application. He further submits that only because on a chit of paper the petitioner's phone number was found by the informant, the suspicion has been casted against the holder of mobile number and save and except this unfounded suspicion there is no legal, substantive, cogent and reliable material against the petitioner. He further submits that the petitioner is in jail custody since 06.01.2020 and the petitioner has got no any criminal antecedent mentioned in



paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

I have perused the record including the case diary. In 164 Cr.P.C. statement, the victim has supported the prosecution case that the petitioner and one co-accused Jitendra Prasad have raped upon the victim. He further submits that the victim has also taken the name of the petitioner before the police.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with Bairiya P.S. Case No.118 of 2019 pending in the court of learned Additional District Judge Ist cum Special Judge, Bettiah, West Champaran is hereby rejected at this stage.

(Anjani Kumar Sharan, J)

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