

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87151 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- MAHILA P.S. District- Patna

MANOJ KUMAR @ DABLU @ DABLU SHARMA S/O- Sri Ramadhar
Singh @ Ramadhaar Sharma R/V- Nema, P.S.- Pipra, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Kumar Sinha
For the Opposite Party/s :	Mr. Brajendra Nath Pandey
	Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 16-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, Mr. Vijay Kumar Sinha and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Sessions Trial No. 18 of 2019 arising out of Mahila P.S. Case No. 85 of 2018 (GR No. 4605 of 2018), registered for the offence punishable under Sections 376 and 511 of the Indian Penal Code.

The allegation is regarding commission of heinous crime by the petitioner of using force and trying to rape his own daughter i.e. the informant herein.



At this juncture, it may be pointed out that this Court earlier by an order dated 19.3.2020 had directed the Superintendent of Police, Patna to enquire about the whereabouts of the informant and also explain as to why her statement under Section 164 Cr.P.C. has not been recorded. Thereafter, this Court by an order dated 28.5.2020 had taken a strict view of the matter regarding non-compliance of the order of this Court dated 19.3.2020, whereafter a SIT was constituted, headed by the Sub-Divisional Officer, Masaurhi and the police team has been successful in recovering the victim girl. The special team / police had then produced the victim girl before the Incharge Chief Judicial Magistrate, Patna on 8.6.2020 and her statement under Section 164 Cr.P.C. has been recorded. The Senior Superintendent of Police, Patna has submitted a report in this regard dated 10.6.2020 and has stated therein that the victim girl has stated before the police that after the registration of the FIR, she had fled from the house and gone to Delhi where she had married with one person, namely, Ajay Kumar and has also been blessed with a child. It has also been stated that after the statement of the victim girl was recorded before the learned Magistrate under Section 164 Cr.P.C., she is going back to Delhi along with her husband.



The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the laches of the police is writ large from the records. It is also the case of the petitioner that the petitioner is having a clean antecedent and he is languishing in custody since 19.7.2018. Lastly, the learned counsel for the petitioner has questioned the date and time of recording of the statement under Section 164 Cr.P.C. as far as the informant / victim girl is concerned.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh has produced the statement of the victim girl, recorded under Section 164 Cr.P.C. before the learned Magistrate and from a bare perusal of the same, it is apparent that the victim girl has disclosed that her father used to not only beat her but also used to force himself upon her.

Having regard to the facts and circumstances of the case and considering the heinous nature of the allegation levelled by a daughter against her father, I do not deem it fit and proper to consider the prayer of the petitioner for grant of regular bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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