

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27858 of 2021**

Arising Out of PS. Case No.-139 Year-2020 Thana- CHENARI District- Rohtas

ARMAN ALI @ MUSAN MIAN Son of Kudus Miyan Resident of Village -
Bharandua, P.S.- Chenari, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv

For the Opposite Party/s : Mr. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 15-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 24.08.2020 seeks
bail in connection with Chenari P.S. Case No. 139 of 2020 dated
22.08.2020 registered for offence punishable under Sections
366(A)/34 of the Indian Penal Code.

Prosecution case in brief is that information given by
the brother of the victim girl aged about 16 years that she got
missing from the sewing classes at village Hata and,
accordingly, he had every doubt that one Bhola Kumar and
Musam Mian who used to talk with the victim girl have
kidnapped his sister and till the date of lodging of the FIR, the
victim was not recovered.

Learned counsel appearing on behalf of the petitioner
submits that no offence as alleged in the FIR has taken place



and the story of the prosecution is false, fabricated and concocted. He further submits that victim was not recovered from the house of the petitioner or from the possession of the petitioner and just on suspicion his name has been taken by the brother of the victim who has inimical terms with the petitioner.

Learned counsel appearing on behalf of the State submits that from the perusal of the entire case diary, it appears that the victim in her statement under Section 161 Cr.P.C. as well as Section 164 Cr.P.C. has stated that the petitioner has forcibly kidnapped her and committed rape repeatedly and as such the petitioner does not deserve to be released on bail.

Considering the rival submissions of the parties, allegation made in the FIR and the material has surfaced in course of investigation, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is dismissed.

It is however observed that the Court below should hold the trial expeditiously.

(Purnendu Singh, J)

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