

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33877 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- RAJPUR District- Rohtas

Sri Ram Singh @ Butan Singh, Son Of Jagdish Singh Resident Of Village-  
Amarpur, P.S.- Rajpur, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Narayan Singh- Advocate

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      14-12-2021                      A supplementary affidavit has been filed on behalf of  
the petitioner, taken on the record.

Heard the learned Advocate for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with POCSO  
Case No.09 of 2020 arising out of Rajpur P. S. Case No.29 of  
2020, instituted for the offences under Sections 363, 365, 354A,  
506/ 34 of the Indian Penal Code read with Section 8 of the  
POCSO Act.

The learned counsel for the petitioner submits that the  
petitioner is in custody since 23.11.2020, he is a person with  
clean antecedent and charge-sheet has been submitted in this  
case.

The learned counsel for the petitioner further submits



that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that her daughter on 17.02.2020 had gone to ease herself when petitioner (her neighbour) forcibly kidnapped her daughter in a pick-up vehicle, when the victim did not return, the informant searched and went to enquire from Dhananjay Singh, the brother of the petitioner, who talked with the petitioner and accordingly, it is alleged that the petitioner informed that he is in Sabji Mandi at Dehri, the victim was recovered from there and accused fled away and accordingly, the present F.I.R. came to be instituted.

The learned counsel for the petitioner submits that from bare perusal of the F.I.R., it would manifest that the occurrence is dated 17.02.2020 and the F.I.R. came to be instituted on 22.02.2020 i.e. after a delay of five days, when the victim was recovered on 17.02.2020 itself.

The learned counsel further submits that in between 17.02.2020 to 22.02.2020 the petitioner did not inform the police that in itself demonstrates the falsity of the allegation. The learned counsel further submits that it does not stand to reason as to how a case under various Sections of the I.P.C. relating to kidnapping and POCSO Act came to be instituted after the informant himself recovered the victim. This further



goes to show that the informant in connivance with the police falsely implicated the petitioner.

The learned counsel for the petitioner further submits that had the daughter of the informant been kidnapped then definitely the informant would not have waited himself to recover the victim. The learned counsel also submits that the statement of the victim under Section 164 of the Cr.P.C. was recorded one month after her recovery and that too without holding any medical examination wherein the victim herself stated that it was the brother of the petitioner, who helped in recovery.

Learned A.P.P. opposes the bail application, but is not in a position to defend the submissions advanced by the learned counsel for the petitioner that how come a case of kidnapping came to be instituted after recovery of the victim was made on 17.02.2020 itself, but fairly submits that there appears to be some foul play.

Considering the fact that the petitioner is in custody since 23.11.2020, he is a person with clean antecedent and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand)



with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII, Sasaram, Rohtas in connection with POCSO Case No.09 of 2020 corresponding to Rajpur P. S. Case No.29 of 2020.

The application stands allowed.

The Superintendent of Police, Rohtas is requested to enquire into the matter personally afresh, as to how and why the present F.I.R. came to be instituted, after recovery of the victim by the informant after five days, why the informant did not institute an F.I.R. in between 17.02.2020 to 22.02.2020 and how the police after recovery of the victim on 17.02.2020 instituted the present case on 22.02.2020.

This Court hopes that the Superintendent of Police, Rohtas will personally further enquire into the matter and in the inquiry, if it comes that the petitioner was falsely implicated in pursuance of mechanical investigation conducted by the concerned police officials, then the police officer, who instituted the case and the officer, who investigated the case implicating an innocent citizen must be proceeded departmentally and further the Superintendent of Police, Rohtas will look into the issue as to why the victim was not medically examined.

Let a copy of this order be sent immediately to the



Superintendent of Police, Rohtas for doing the needful.

The petitioner is also given liberty to represent before  
the Superintendent of Police, Rohtas with a copy of this order.

**(Satyavrat Verma, J)**

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