

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.335 of 2021**

Arising Out of PS. Case No.-319 Year-2019 Thana- MANIHARI District- Katihar

Md. Rahis Son of Shekh Bhikhan @ Bhikhan Sah Resident of Boulia, P.S. -
Manihari, District – Katihar,

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-04-2021 Heard learned counsel for the petitioner and Mr.
Mritunjay Kumar Nirala, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Manihari P.S. Case No. 319 of 2019
registered for the offence under Sections 354(B), 363, 366(A),
504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that it
seems to be a case of love affair between the petitioner and the
victim girl in which after her recovery from the house of the
Mausi of this petitioner she has falsely made allegations against
him.

On the other hand, learned A.P.P. for the State has
opposed the prayer for bail of the petitioner. According to him,
the petitioner had forcibly taken away the victim girl and the



victim girl happened to be the minor, further in her statement under Section 161 Cr.P.C. and 164 Cr.P.C. she has alleged that this petitioner has committed wrong acts with her.

In this case, the case diary has been received which is available on the record. In her statement under Section 164 Cr.P.C., she has specifically alleged that she was forcibly taken away by three boys who had tied her mouth and lifted her in a car. This petitioner has been specifically named as one of the accused involved in the said occurrence. She further says that the victim girl was taken to the house of the Mausi of this petitioner from where she was recovered on the basis of tower location of mobile. She has specifically alleged that this petitioner has committed wrong acts with her.

Having regard to the facts and circumstances of the case, particularly the statement of the victim girl and further the material showing in paragraph 48 of the case diary that this petitioner has got one criminal antecedent and after his arrest in the said case he has been taken on remand in the present case, but before this Court he has made false statement that he has got no criminal antecedent, this Court is not inclined to enlarge the petitioner on bail.

Prayer for regular bail of the petitioner is, thus,



refused.

Let the trial be expedited and the prosecution must cooperate in early conclusion of trial. The trial court shall not grant unnecessary adjournment in this case.

Since learned counsel for the petitioner submits that it seems to be a mistake on his part in getting/receiving instructions from the deponent and for that reason no action be taken against the deponent for not disclosing the one case in paragraph '3', considering the kind of statements made by learned counsel for the petitioner, this Court is not proceeding further against the deponent, however, in future he should be careful while instructing the counsel in connection with a case.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

