

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18982 of 2022**

Arising Out of PS. Case No.-114 Year-2021 Thana- PHULWARIA District- Begusarai

SACHIN KUMAR S/o Late Vijay Shankar Singh Resident of Village-
Garhara, P.S.- Barauni (Garhara O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Rajeev Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-09-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the learned A.P.P. for the
State.

The petitioner seeks bail in a case registered for the
offence under Sections 366 of the Indian Penal Code but the
cognizance has been taken under Sections 366 and 376 of the
Indian Penal Code.

The daughter of the informant is said to have been
abducted and she has been subjected to physical and mental
abuse and assault by the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
as a matter of fact the petitioner and the victim were having love
affairs between them and in that pretext, the victim has left her



house out of her sweet will and volition. Apart from that, the alleged occurrence is of 06.07.2021 whereas the F.I.R. has been instituted on 19.07.2021 without any plausible explanation. Therefore, no case under section 366 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 20.09.2021.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation of commission of rape against the petitioner. The victim has been recovered and she in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her. Therefore, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and the corroboration of the allegation with statement of victim, Court is not inclined to grant the privilege of bail to the petitioner, at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

