

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25108 of 2022

Arising Out of PS. Case No.-378 Year-2018 Thana- SARAIYA District- Muzaffarpur

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Arun Kumar Son of Mahesh Sah Resident of village - Basantpur Patti, P.S.-
Saraiya, District – Muzaffarpur

... Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner made the

State.

The petitioner is in custody in connection with
Saraiya P.S. Case No. 378 of 2018 under Section 363,
366(A)/34 of the Indian Penal Code.

The allegation in the F.I.R. is that the informant found
her minor daughter to be absent in the home. He unsuccessfully
tried to locate her. Later he came to know that one Vidhan
Kumar and Mandip Kumar who regularly called from phone no.
754181670. He alleged that his daughter may have been
abducted.

The F.I.R. was lodged on 01.09.2018. Subsequently
the girl was recovered and she made statement under Section



164 of the Cr.P.C. on 20.10.2018 in which she named this petitioner to be one of the person who had role in her abduction.

As reflects from the aforesaid dates, the F.I.R. was lodged on 01.09.2018 and the victim girl had named this petitioner on 20.10.2018 but the petitioner finally came into judicial custody on 06.03.2022.

Learned counsel for the petitioner submits that both informant and the petitioner belong to the same village and they have entered into compromise which may be taken into account for considering his release on bail.

As reflects from the allegations, the case has been lodged under Section 363, 366(A)/34 of the Indian Penal Code and Section 376 of the Indian Penal Code has been subsequently added. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has named this accused as one of the person behind the alleged Act. In such a case, where the FIR has been lodged under Section 366(A) and 376 pf the I.P.C., the compromise petition has no role to play considering the kind of allegation that has been attributed to the petitioner. Further, the case was lodged in the year 2018 under Section 363, 366(A)/34 of the Indian Penal Code and the petitioner finally chose to come into custody in 2022, this Court is not inclined to grant



him the privilege of bail which is accordingly rejected.

The trial Court is directed to expedite the trial and see to it that it is concluded preferably within a period of one year.

(Rajiv Roy, J)

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