

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45863 of 2021

Arising Out of PS. Case No.-4 Year-2017 Thana- KATEYA District- Gopalganj

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1. UMESH RAM @ UMESH KUMAR RAM S/o JALESHWAR RAM R/o VILLAGE-FATUCHHAPAR, P.S-KATEYA, DISTRICT-GOPALGANJ
 2. SANTOSH SONAR @ SANTOSH VERMA S/o LALLAN PRASAD R/o VILLAGE-GAURI BAZAR, P.S-KATEYA, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-03-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code to which sections 372 and 376 of the Indian Penal Code and sections 4 and 6 of the POCSO Act were added subsequently.

As per the prosecution case, the five named accused persons including the two petitioners herein took away the minor daughter of the informant who was not to be found inspite of search.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The allegations besides being general and omnibus in nature are false and concocted. No such occurrence has taken place. The trial in the



learned trial court has commenced wherein the alleged victim was examined and she has not supported the prosecution case. The petitioners are in custody since 5.7.2021 and have no criminal antecedent. With respect to the petitioners having remained at large for a period of four years, it is submitted that the order of this Court could not be communicated to the petitioners in time and as a result of the lock down, the petitioners who were outside of the State for earning their livelihood could not surrender.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners, the victim having supported the same in her statement under section 164 Cr.P.C. together with the trial in the learned trial court having proceeded, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is directed to expedite the trial and conclude the same at the earliest preferably within a period of six months.

(Partha Sarthy, J)

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