

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60600 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- KHAIRA District- Saran

Rupesh Kumar S/o Binod Manjhi Resident of Village- Jagdishpur, P.S.-
Khaira, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khaira P.S. Case No. 356 of 2020 lodged under Sections 363,
366/34 of the I.P.C.

As per the prosecution case, the father of the
informant has narrated that the petitioner along with her
daughter visited the village Khaira on bicycle. Upon search, the
petitioner has not replied satisfactory. It was alleged that the
petitioner along with 3 named persons kidnapped the daughter
of the informant.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the alleged victim was in love with the co-accused Nandan Manjhi. He further submits that the antecedent of the petitioner is clean and the petitioner is in custody since 05.12.2020, charge sheet has already been filed in this case. Learned counsel for the petitioner rely on an order dated 27.01.2022 passed in Cr. Misc. No. 46208 of 2021 in which Binod Manjhi was granted bail by Co-ordinate Bench of this Court.

Learned counsel for the State opposes the prayer for bail and submits that the alleged kidnapped girl has been recovered and her statement under Section 164 was recorded before the Magistrate. In said statement the victim has clearly stated that the present petitioner Rupesh brought her to *bazar* (market) and asked her to sit in a four-wheeler vehicle. When she sat in the vehicle then a person threw something on her face due to which she became senseless and after 2 days when she regained her sense, she found herself closed in the room. By the said version, it is crystal clear that the petitioner is involved in kidnapping.

On the point of order passed by Co-ordinate Bench of this Court, learned counsel for the state submits that the

allegation in the F.I.R. is upon the Rupesh to take the daughter of the informant and not on Binod, therefore, case of Rupesh and Binod are from different footing.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grand bail to the petitioner, therefore, his bail application is hereby rejected.

(Dr. Anshuman, J.)

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