

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68324 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- FALKA District- Katihar

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Sachin Sharan, Son Of Suresh Kumar Mandal Resident Of Village -
Gopalpatti, P.S. - Falka, District - Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366(A) of the Indian
Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.03.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that in the night of 13.03.2020, his
minor daughter aged about 17 years went to purchase biscuit
from a shop, but she did not return. It is further alleged that
while the informant went near the shop, he saw that this



petitioner along with Ravi Kishan @ Rocky have kidnapped his daughter and taken her away on a vehicle.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is submitted that the informant himself in the F.I.R. alleges that on 13.03.2020, he had seen the occurrence, but the F.I.R. came to be instituted on 15.03.2020 that in itself demonstrates that there were certain missing links. It is further submitted that the victim and the petitioner were in love and the victim eloped with the petitioner which has also come during the course of investigation based on which the supervision of the Deputy Superintendent of Police was made.

It is further submitted that police after investigation submitted final form in favour of Ravi Kishan @ Rocky bearing No.98 of 2020 dated 15.03.2020. It is thus submitted that admittedly, the informant being aware of the relationship of his daughter with the petitioner, he tried to falsely implicate the petitioner and his brothers. The learned counsel further submits that even the doctors have assessed the victim in between 18-19 years and thus, she is a major. Though in the F.I.R., it is alleged that she is a minor, but no document in support of the same was produced during the course of investigation and the said



allegation was made only to give serious colour to the case. It is also submitted that even medical report negates the allegation of rape.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and the medical report does not support the allegation of rape and the doctors have assessed the victim to be a major, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Falka P. S. Case No.98 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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