

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4516 of 2023
Arising out of
CRIMINAL APPEAL (SJ) No.3242 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHISHI District- Saharsa

SUNIL THAKUR @ SUNIL KUMAR THAKUR SON OF JAWAHAR THAKUR R/O VILLAGE- MAHISHI, P.S.- MAHISHI, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANISHA DEVI WIFE OF SHANKAR PASWAN R/O VILLAGE- MAHISHI, P.S.- MAHISHI, DISTRICT- SAHARSA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 15-05-2023 Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 341, 323, 363, 366A, 354, 504, 506/34 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act and Sections 8 and 12 of the POCSO Act.

The allegation against the petitioner along with others is of kidnapping the minor daughter the informant for the purpose of solemnization of marriage.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that there is no any witness to the alleged occurrence and Medical report also not supported the prosecution



case. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Petitioner is languishing in judicial custody since 26.03.2022.

Learned APP for the State and learned counsel for the informant have opposed the application for bail and submitted that the victim girl has recovered and her statement recorded u/s 164 of the Cr.P.C., in which she specifically stated that this petitioner after pressing her mouth forcibly taken away to several places and committed rape upon her. The victim girl stated that this petitioner kept her for about 15 days. The statement of the victim girl recorded u/s 161 and 164 of the Cr.P.C., corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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