

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4333 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Amit Sada Son Of Bimlesh Sada R/O Vill.- Kataiya, P.S.- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
For the Informant	:	Mr. Nilendu Kumar Choudhary, Advocate
		Mr. Rahul Kumar Dubey, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 05.07.2022 in connection with Ghanshyampur P.S. Case No. 106 of 2022, F.I.R. dated 11.05.2022 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

According to prosecution case, in brief is that on 04.05.2022 at around 07:00 pm, the victim along with her grandmother was going in mango orchard for giving food to the father of the informant. In the meantime, when they reached near the mango orchard of Sharma Ji then accused/petitioner Amit Sada along with other accused came on motorcycle and



assaulted the mother of the informant with slaps and lifted the victim girl and took her on motorcycle. Thereafter, the family members of the victim girl started to search the victim but they did not trace her. The informant got knowledge that the accused person Ashok Sada and his family members is also involved in the kidnapping of her daughter.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and in fact the petitioner was in love with the victim and they have solemnized the marriage. He further submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she voluntarily left her house and went to Samastipur and solemnized the marriage with the petitioner.

Learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that at the time of alleged occurrence the victim was minor.

Vide order dated 21.06.2023 a report was called for



with regard to the present stage of trial. Report dated 24.06.2023 of the learned trial court reveals that out of six charge sheet witnesses four have already been examined.

Learned counsel for the informant submits that the informant has also been examined on 03.07.2023 and now only I.O. yet to be examined by the court.

Considering the aforesaid facts and report of the learned trial court, I am not inclined to enlarge the petitioner on bail in connection with Ghanshyampur P.S. Case No. 106 of 2022 pending in the court of learned Exclusive Special Judge (POCSO Act), Darbhanga.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial at the earliest.

(Rajesh Kumar Verma, J)

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