

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20426 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

RAJESH SHARMA SON OF RAMDAYAL SHARMA R/O- VILLAGE-
DUMDUMA, P.S.- BHABUA, DISTRICT- KAIMUR TA BHABHA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Section 366A of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 29.01.2021, he is a person with clean antecedent and the informant alleges that on 23.03.2020 his minor daughter went missing and after search it was found that the petitioner had taken her away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner and victim were in love and they had eloped together for the purpose of marriage but since the



parents were not ready as such the marriage could not take place, it is also submitted that this fact was in knowledge of the informant but still he implicated the petitioner in a case of kidnapping.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the victim came back and her statement was recorded under Section 164 of the Cr.P.C. wherein she has supported the case of the prosecution and stated that the petitioner took her away and even raped her.

At this stage, the learned counsel for the petitioner submits that after the statement of the victim was recorded under Section 164 Cr.P.C., the father of the informant filed an application before the learned trial court stating therein that the victim has been married and the case was instituted under misconception, it is thus submitted that since the victim came back as such under parental pressure she was made to make her statement under section 164 Cr.P.C. wherein she alleged that she was raped. Learned counsel further submits that the FIR was instituted after eight days of the occurrence which amply demonstrates that the informant was completely aware about elopement of his daughter with the petitioner.

Be that as it may, the Court for the present is not



inclined to release the petitioner on bail. His prayer for bail is thus rejected.

However, in the event if the trial is not concluded within a period of seven months from the date of receipt/production of a copy of this order, the petitioner would be at liberty to renew his prayer for bail.

(Satyavrat Verma, J)

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