

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38165 of 2023

Arising Out of PS. Case No.-728 Year-2022 Thana- SIKARPUR District- West Champaran

SANTOSH KUMAR @ SANTOSH PASWAN Son of Sudhir Paswan
Resident of village - Pipra, Thana - Diulia ward no. 25, P.S. - Shikarpur, -
Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Shikarpur P.S. Case No. 728 of 2022, registered for the offences punishable under Sections 363, 341, 342/34 of the Indian Penal Code and Section 12 of the POCSO Act.
3. The case of the prosecution, in brief, according to the informant, is that on 09.09.2022 the minor daughter of the informant had gone to study at the coaching at Pandey Tola and while she was coming back to her home, the petitioner and



one co-accused person, namely, Sona Devi had forcibly made the daughter of the informant sit in a tempo and had, thereafter, locked her in a house at an unknown place, whereafter the informant, with the help of the villagers had rescued her minor daughter.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted that the informant was not accompanying her daughter, hence the entire story has been cooked up with a view to falsely implicate the petitioner, however, no such incident, as alleged, has ever taken place.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on



record as also considering the fact that a direct allegation has been levelled on the petitioner and one another co-accused person of having kidnapped the minor daughter of the informant, this Court finds that the present case is at least not a case for grant of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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