

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53707 of 2022

Arising Out of PS. Case No.-348 Year-2022 Thana- FATEHPUR District- Gaya

Prabhat Kumar Saw @ Prabhat Kumar S/O Anup Saw R/O Village-
Ganeshdih, P.S.- Fatehpur, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Promad Kumar Singh

For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 10-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Section 363, 365, 370, 366(A)/34 of the Indian Penal Code, Sections 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act and Sections 8/12 of the POCSO Act.

It is alleged against the petitioner that he had kidnapped the minor daughter of the informant with the help of co-accused Binod Prasad and took her in Patna. The victim was thereafter ravished by unknown persons after consuming her some intoxicant materials. She was



again taken to Rajesthan. The victim, somehow managed and called her mother after three months of her kidnapping from Rajesthan from where she was recovered.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The victim herself left her house since her parents were solemonizing marriage with an old person. The petitioner is no way connected with the kidnapping of the victim. Moreover, the informant herself stated that her daughter has been kidnapped three months prior to lodging of the present case. Hence, lodging the F.I.R after three months of the occurrence creates doubt about the authenticity of the prosecution version. As per F.I.R, no offence is made out under the provisions of SC/ST Act. The petitioner is languishing in custody since 19.06.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.



In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of kidnapping of the victim girl against the petitioner and the victim in her 161 and 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully kidnapped her and took her to Patna where she was ravished.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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