

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63101 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- PALASI District- Araria

MD. UBED Son of Md. Kashim Resident of Mehru Chowk, P.S.- Palasi,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.03.2022 in connection with Palasi P.S. Case No. 76 of 2022,
F.I.R. dated 07.03.2022 for the offences punishable under
Sections 363, 366/34 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely, Munna Kumar Sah is that on 03.03.2022
his sister namely Chunni Kumar aged about 18 years she left at
9.00 PM from the house and when she did not return and upon
query, the informant could come to know that his sister has been
kidnapped by this petitioner as well as Ranjit Kumar Shah and
thereafter the informant arrived at the residence of this
petitioner but he was not found there. It is further alleged that



the family members of this petitioner i.e. accused No.3 namely, Majum Nisha and accused No.4 Md. Mukarram assured the informant that he should not go for litigation and his son (petitioner) would bring the sister of the informant safely however, ultimately the sister of the informant did not return and despite search, since she could not be traced.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is no eye witness of the alleged occurrence and it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 03.03.2022 but the present F.I.R. has been instituted on 07.03.2022 after delay of four days without any explanation of delay.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. He further submits that the petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with Palasi P.S. Case
No. 76 of 2022 pending in the court of learned Chief Judicial
Magistrate, Araria.

Prayer is refused.

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

(Rajesh Kumar Verma, J)

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