

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.917 of 2022**

Arising Out of PS. Case No.-739 Year-2018 Thana- SITAMARHI District- Sitamarhi

MANISH KUMAR S/O SHIVRATAN RAY R/o village- Nimahi, P.S.-  
Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      17-01-2023

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 366A of the Indian Penal Code to which sections 4 and 6 of the POCSO Act was added later on.

As per the prosecution case, informant states that his daughter disappeared and on inquiry it transpired that the petitioner had taken away his minor daughter. Similar occurrence had occurred even on earlier occasion.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. It is case of love affair between the parties. The alleged victim is a minor which would be evident from her statement under section 164 Cr.P.C. It is further stated that the daughter of the informant



resided with the petitioner for a period of two years and children were born out of the said wedlock. Subsequently the petitioner was falsely implicated in the case of attempted murder on the informant in which he has been granted bail. From perusal of the FIR of the said case it would transpire that the petitioner and the daughter of the informant resided together for 2 years and on her return subsequently under the pressure of the family she has given a u-turn statement under section 164 Cr.P.C. The petitioner is in custody since 5.10.2021 besides there being delay of 8 days in lodging of the FIR.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR, the detailed statement of the daughter of the informant under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

**(Partha Sarthy, J)**

Bibhash/-

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