

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77567 of 2023

In
CRIMINAL APPEAL (SJ) No.1540 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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SATENDAR KUMAR @ SATENDAR SAHANI son of Dularchan Sahani
Village- Semuapur Ps- Dumariya Ghat Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-12-2023 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with
Dumariya Ghat P.S. Case No.103 of 2022, registered for the
offence punishable u/s 363/34 of the IPC and 8 of POCSO Act
and 3(i)(r)(s) of SC/ST POA Act.

3. Allegation upon the petitioner is that he along with other
co-accused kidnapped the minor grand-daughter of the
informant.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. No such occurrence in the manner as alleged has ever
taken place. It is submitted that the alleged occurrence is said to



have taken place on 30.05.2022 but the F.I.R. has been lodged on 04.06.2022 i.e. after delay of four days without giving any plausible explanation, which itself creates doubt about the prosecution case. The victim stated in her statement u/s 164 Cr.P.C. that the petitioner took her to sister's house and after few days dropped at the victim's house. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the victim is a minor.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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