

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8739 of 2024

Arising Out of PS. Case No.-479 Year-2020 Thana- HARSIDHI District- East Champaran

Santosh Kumar Son of Nema Sahani R/o vill - Ranjita Kathaiya, P.S. -
Harsidhi, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is in judicial custody in connection with Harsidhi P.S. Case No.479 of 2020 instituted under Sections 363, 366(A), 34 and 120B of the Indian Penal Code and Sections 8 and 12 of POCSO Act lodged on 15.11.2020 by the informant Nand Kishore Das.

3. As per the FIR, the informant alleged that his daughter was missing and further had suspicion that as earlier there had been some scuffle with the accused persons, they may have kidnapped the victim girl and sold her in a brothel. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the allegation is there against him, as incorporated in the



statement of victim girl under Section 164 of the Cr.P.C., Jay Prakash Sahani @ Om Prakash Kumar @ Jai Prakash Sahni has been extended the privilege of bail vide order dated 03.05.2023 passed in Cr. Misc. No. 9548 of 2023.

5. Learned APP opposes the prayer for bail stating that his name has come in the statement of the victim girl under Section 164 of the Cr.P.C. but he cannot equate himself with Jay Prakash Sahani @ Om Prakash Kumar @ Jai Prakash Sahni *inasmuch* as the FIR is of the year 2020 and he came into judicial custody in January, 2023 itself, this petitioner waited only after the others granted bail leisurely walk into judicial custody on 04.12.2023.

6. Taking into account the aforesaid submission of the parties, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

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