

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9792 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- SUGAULI District- East Champaran

SK. DANISH @ DANISH S/O- SK. RUSTAM @ MAHTO R/O- VILLAGE-
LAXMIPUR MADHUMALTI, P.S.- SUGAULI, DIST.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Aatish Kumar
		Mr. Vishwa Mohan Kumar, Advocates

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 27-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Sugauli P.S. Case No. 130 of 2023 dated
10.04.2023 registered for the offence/s punishable under
sections 363, 366A, 34, 376, 302, 201, 120B of the Indian Penal
Code, 1860 and sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, unknown miscreants
are alleged to have kidnapped the minor daughter of the
informant with bad intention by enticing her.

4. Learned counsel for the petitioner has submitted hat



the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that there was love affair between the petitioner and the victim girl. There is an inordinate delay of three days in lodging the F.I.R. and there is no plausible explanation for the same.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the anticipatory bail petition of the petitioner as the deceased was a minor girl. The petitioner is not in the F.I.R. The name of the petitioner has transpired on the basis of re-statement in para 65 of the case diary. There was love affair between the daughter of the informant and the petitioner who made her pregnant. Then the petitioner and the co-accused persons namely Sheikh Rustam and Sheikh Daulat in connivance with one another committed murder of the informant's sister and threw her dead body into the river. Learned counsel has further submitted that the other witnesses have supported the prosecution case. As per the postmortem report, the cause of death is due to asphyxia as a result of pressure over neck. It is further submitted that the deceased was pregnant and a portion of fetus and the mother finger were preserved for the DNA examination.



6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature and specific allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within eight weeks from the date of this order and the prayer for regular bail, the learned Court below may consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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