

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9138 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- FULKAHA District- Araria

Arbind Sharma @ Babloo Sharma Son of Singheshwar Sharma Resident of
Village-Gogari Gonaha, Ward No.-02, Police Station-Triveniganj, District-
Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Sharma, S/o Mushai Sharma, R/o Village Hanuman Nagar, Achara,
Ward No. 8, P.S. Simraha, Dist. Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s	:	Mr.Surendra Kumar, APP
For the Informant	:	Mr. Binod Kumar Yadav, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Fulkaha P.S. Case No. 134 of 2023 instituted for the offences
under Sections 363 & 365 of the Indian Penal Code.

3. The allegation against the accused persons
including the petitioner is of abducting the daughter of the
Informant. It is further alleged that the petitioner has also
committed rape upon the victim girl.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. He has further submitted that the present case has been lodged dafter a delay of two days of the alleged occurrence which itself falsifies the prosecution case. From the medical report, the Doctor has ascertained the age of the victim girl as 24 years and has also found no sign of rape upon her. The petitioner and the victim girl are Jija and Sali and love affair was going on between them. They went to Delhi on their own will and, thereafter, the victim came to her home. The statements of the victim girl made under Sections 161 & 164 are contradictory in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 04.10.2023 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the Investigating Officer after investigation has submitted charge-sheet for offence under Sections 363, 365 and 376 of the I.P.C. The victim girl in her statement made under Section 164 Cr.P.C. has also supported the prosecution case. The witnesses



in Para-6, 7 & 8 have also supported the prosecution case regarding missing of the victim girl. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the statement of the victim girl made under Section 164 Cr.P.C. as also the nature of allegation which is serious, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the learned trial court to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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