

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16242 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- MUFFASIL District- West Champaran

Guddu Kumar Sharma S/o- Sri Mina Sharma Village- Gurwaliya Pandey Tola
Ps- Bettiah Muffasil Manuapul Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sagina Ram son of Late Chokat Ram Village- Gurwaliya Pandey Tola Ps- Bettiah Muffasil Manuapul Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr.Binay Krishna, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and learned counsel
for the State.

2. The petitioner seeks bail in Bettiah Muffasil P.S. Case No. 801 of 2023 registered for the offence punishable under Sections 363, 366(A), 34 of the Indian Penal Code, Section 3(1)(r) (s) of the SC/ST Act and Section 8 of the POCSO Act, 2012.

3. Allegedly, all the accused persons including the petitioner are said to have kidnapped the informant's minor daughter. Thereafter, when the informant along with his neighbours went to the house of one Mina Sharma to make enquiry, he hurled caste based abuses and drove them away from his door and flatly refused to send back his daughter.

4. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and he has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is admitted land dispute between the parties and a title suit bearing Title Suit No. 174 of 2014 is pending between them. It is further submitted that after returning of the informant's daughter, her statement has been recorded u/s 161 and 164 Cr.P.C. in which she has supported the prosecution case. Petitioner has no criminal antecedent and he is in judicial custody since 19.12.2023.

5. Learned APP for the State opposes the prayer for bail and submits that there is direct and specific allegation against the petitioner to kidnap the informant's minor daughter.

6. Having regard to the facts and circumstances of the case as well as considering the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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