

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17304 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- BELHAR District- Banka

Nitesh Das @ Nitish Kumar Das, aged about 23 years, Male, S/O Basuki Das,
R/O Village- Bishanpur, P.S- Belhar, Distt.- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Pandey, Advocate
For the Opposite Party : Mr. Ahmad Ali, A.P.P.

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

ORAL ORDER

3 08-05-2024 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Belhar
P.S. Case No. 435 of 2023 dated 10.10.2023 registered for the
offences punishable under Sections 366A/34 of the I.P.C. and
Section 8 of the POCSO Act.

4. As per the prosecution case, on 08.10.2023, the co-
accused persons Laltus Das and Suman Das alongwith the



petitioner are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 08.10.2023 and the F.I.R. has been lodged on 10.10.2023 after a delay of two days for which no explanation has been given by the prosecution. It is further submitted that there is no role of the petitioner in kidnapping the minor daughter of the informant. The petitioner had always opposed the illegal work of the informant and the local police. The petitioner has falsely been implicated in the present case with the collusion of some influential persons of the society. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 02.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim is still traceless\.

7. Considering the aforesaid facts and circumstances of the case and the fact that the victim is still traceless, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Belhar P.S. Case No. 435 of 2023,



pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Banka.

8. The court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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