

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23238 of 2024

Arising Out of PS. Case No.-592 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Shyam Kumar, Male, aged about 27 years, Son of Dhaneshwar Mahto,
Resident of Village - Tarar, P.S. - Daudnagar, District - Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lalbahadur Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

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

ORAL ORDER

3 15-05-2024 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
Daudnagar P.S. Case No. 592 of 2023 dated 15.10.2023
registered for the offences punishable under Section 366A of the
I.P.C.

4. As per the prosecution case, on 13.10.2023, the
informant’s minor daughter went to *Tarar Bazar* to get the
photostat copied of some documents but she did not return. He
searched her for several times but she could not be traced. The
informant has apprehension that Shyam Kumar (petitioner) who



is the resident of same village of the informant had kidnapped his minor daughter.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. It is submitted that the occurrence took place on 13.10.2023 as to when the F.I.R. has been lodged on 15.10.2023 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 as the petitioner is a married person. There is no eye witness to the alleged occurrence. It is further submitted that the petitioner is the co-villager of the informant and due to some dispute between them, earlier the informant had also lodged Daudnagar P.S. Case No. 496 of 2023 against the petitioner. It is further submitted that the victim girl has not been recovered till date. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 24.01.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as 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 Daudnagar P.S. Case No. 592 of 2023, pending in the court of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad, Bihar.

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

(Chandra Prakash Singh, J)

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