

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30626 of 2024

Arising Out of PS. Case No.-1070 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Saddam Mahato @ Saddam Hussain, Son of Saiyudu Rahman, Resident of
Village- Siswaniya, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Kumar, Son of Krishna Sah, Resident of Village- Siswaniya, Ward
No-12, P.S.- Banjariya, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 26-07-2024
1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for
grant of regular bail in connection with Turkauliya (Banjariya)
P.S. Case no. 1070 of 2023, registered under sections 363 and
365 of the Indian Penal Code and sections 4 and 8 of the
POCSO Act.

3. As per the prosecution case, the informant states
that his minor sister disappeared. On inquiry it transpired that
she was seen near the house of the petitioner. The informant



further states that the co-villagers disclosed that the accused persons including the petitioner herein had forcibly kidnapped his sister on a Bolero vehicle.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, the sister of the informant returned and her statement was recorded under section 164 of the Cr.P.C. While the informant states about her kidnapping on a Bolero vehicle, in her statement under section 164 of the Cr.P.C. she states that she was forcibly taken away on a motorcycle. Her age has been assessed to be between 18 to 19 years. There is no medical report on record and on the alleged date of occurrence, in reference to Annexure-2 series, it is submitted that the petitioner was at his work place in Hyderabad. The petitioner is in custody since 20.2.2024 and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and having perused the material on record, there being direct allegation against the petitioner of having committed rape on the sister of the informant and the same having been supported by the victim in her statement under section 164 of the Cr.P.C., the



Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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