

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29144 of 2024

Arising Out of PS. Case No.-22 Year-2023 Thana- KAMTAUL District- Darbhanga

Ganesh Dhankar Son Of Kishori Dhankar Resident Of Village Malpatti P.S-
Kamtaul Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with Kamtaul P.S. Case No. 22 of 2023 instituted for the offence under Sections 363, 366, 504, 506 and 34 of the Indian Penal Code. Later on charge sheet has been submitted under Sections 363, 366, 376, 504 and 506 of the IPC.

Prosecution case in short, is that, when the daughter of the informant was alone at her house, then the petitioner had forcibly abducted her daughter. When the informant came back to his house, he came to know that his daughter was not in the house. The informant getting information that petitioner has abducted his daughter. He raised suspicion that petitioner along with other co-accused persons has abducted her daughter when



he asked to co-accused to return his daughter then he along with other threatened him to commit murder of his daughter if he lodges the case.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. There is contradiction in the statement of the victim recorded under Section 161 of the Cr.P.C. and 164 of the Cr.P.C. as she stated in 161 of the Cr.P.C. that this petitioner forcefully abducted her and committed rape with her and after that he put vermilion on her forehead whereas in her statement recorded under Section 164 of the Cr.P.C. she did not whisper in respect of commission of rape with her by the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 29.01.2024.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioner is named in F.I.R and victim stated in her statement recorded under Section 164 of the Cr.P.C. that this petitioner forcibly abducted her and put vermilion on her forehead in Samastipur. Thereafter, he confined her in a room in Patna. As per her statement recorded under Section 161 of the Cr.P.C. wherein she clearly stated that



this petitioner committed rape with her. During investigation, witnesses supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

