

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34217 of 2024

Arising Out of PS. Case No.-399 Year-2018 Thana- DHAKA District- East Champaran

Lalbabu Khan S/O SALAM KHAN VILLAGE- PANDRI,P.S.-
DHAKA,DIST- EAST CHAMPARAN,MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and Mr. Jitenra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 399 of 2018 for the offence under Sections 363, 366(A) and 34 of the I.P.C. lodged on 30.09.2018 by the informant, Dulabi Devi.

3. As per the prosecution story, which dates back to the year 2018 that the daughter of the informant went to the school but failed to return. Later, it came to notice that she has been kidnapped by the accused persons including this petitioner. The allegation is that she was forcibly taken to Motihari Railway Station and then handed over to another person in train who took her with an intention to kill.



4. Learned counsel for the petitioner submits that though earlier, the anticipatory bail application was rejected by a coordinate Bench in Cr. Misc. No. 16451 of 2020 on 28.06.2021, in the change circumstance when the petitioner arrived at a compromise with the parents of the girls, the second anticipatory bail petition is filed.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer submitting that the girl is still traceless and the precious life is at stake. Only because they have coerced the mother to sign a document which has been produced as a compromise petition that does not lessen the accusation that has been made against the petitioner.

6. So far as the second anticipatory bail is concerned, the same is rejected.

7. This Court is disturbed, there is a case of kidnapping of a girl in the year 2018 and six years later, the police has not even been able to recover her. It also puts a question mark on the ability of the police force present in the East Champaran, Motihari.

8. In that background, the Superintendent of Police, East Champaran, Motihari is directed to look into the matter and assigned the case to a Senior Police Official and ensure that the



girl is recovered/her statement recorded and in its absence actually what happened to the said victim girl.

9. The counter-affidavit has to be filed by the S.P., East Champaran to be signed by him incorporating the further story after the passing of this order.

10. List this case after six weeks under the heading ‘To be Mentioned’ enabling Mr. Jitendra Kumar Singh to file counter-affidavit on behalf of the S.P., East Champaran, Motihari.

11. For convenience, let a copy of this order be sent to the Superintendent of Police, East Champaran, Motihari for its perusal and immediate action.

12. Let the name of Mr. Jitendra Kumar Singh come in the cause list.

(Rajiv Roy, J)

Adnan/-

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