

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40652 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- GORIAKOTHI District- Siwan

Sanjay Yadav @ Sanjay Chaudhary S/o Bira Yadav @ Birbahadur Ray R/o Village-Saidpura, P.S.- Goreyakothi, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tarak Tiwari Not Known R/o Village-Said Pura, P.S.-Goriya Kothi, District-Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Ms. Priyanka Singh, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Bijay Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2024 Heard learned Senior counsel for the petitioner and learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 366A/34 of the Indian Penal Code, later on Section 376 of the I.P.C. and Sections 4 and 6 of the POCSO Act was added.

3. As per the prosecution case, the petitioner along with other co-accused persons are said to have kidnapped the daughter of the informant with malafide intention.

4. This is the second attempt of the petitioner for grant of regular bail. Earlier the bail was rejected by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 11138 of



2024 on the ground that the petitioner had suppressed the criminal antecedent.

5. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that from bare perusal of the F.I.R. it is apparent that the date of incident is 16.06.2022 and the F.I.R. was lodged on 21.06.2022 after delay of six days without any plausible explanation, which creates serious doubt on the prosecution case. He further submits that the statement of the victim recorded under Section 161 of Cr.P.C. is contradictory to the statement of the victim recorded under Section 164 of Cr.P.C. He next submits that the charges have been framed and there are total 6 witnesses out of which two witnesses have already been examined, this fact is not denied by learned counsel for the informant. He next submits that the petitioner has been made accused in the present case merely because there is admitted land dispute between the parties. The petitioner has four criminal antecedents as mentioned in para-3 of this application and has been languishing in custody since 02.09.2023.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.



7. The deposition of the victim was produced before this Court by learned counsel for the informant and from bare perusal of the same it appears that there is contradiction in her statement.

8. Considering the facts and circumstances of the case and the fact that there are total 6 witnesses out of which two witnesses have already been examined, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer of regular bail of the petitioner is hereby rejected in connection with Goreyakothi P.S. Case No. 123 of 2022.

9. The learned Trial Court is directed to conclude the trial as expeditiously as possibly preferably within a period of three months.

10. If the trial is not concluded within three months then the petitioner shall be at liberty to renew his prayer for bail.

(Anjani Kumar Sharan, J)

anand/-

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