

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44939 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- BALTHAR District- West Champaran

Sanaullah @ Md. Sanaullah S/o Sheikh Farman R/o Village Majhariya PS
Purushottampur District West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Father of Victim S/O - Late Paras Sah R/O of Balthar, P.S.- Balthar, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Amit Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 09-12-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant. Perused
the case diary.

2. The petitioner seeks bail in connection with Balthar
P.S. Case No. 102 of 2023 instituted for the offence under
Sections 366A of the Indian Penal Code and Sections 8 & 12 of
the POCSO Act.

3. As per prosecution case, co-accused persons
including the petitioner have eloped the daughter of the
informant on the pretext of marriage.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 23-01-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that daughter of the informant is major and mature girl and has left her house out of her sweet will in background of love affairs with the petitioner. The victim after return has stated regarding her visit with the petitioner at different places and also about staying in hotel, but she did not make any resistance while going nor she made any complaint at any place, whatsoever. Medical report suggests no sign of recent sexual assault. There is no independent witness.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that petitioner had made sexual intercourse with her. Victim is minor and she has specifically stated against the petitioner in her statement.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, there being direct allegation supported by the statement of the victim



recorded under Section 164 of the Cr.P.C, this Court is not inclined to grant bail to the petitioner. Prayer is accordingly *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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