

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47323 of 2024

Arising Out of PS. Case No.-242 Year-2020 Thana- SONBERSA District- Sitamarhi

Bhola Sah Son Of Bikram Sah Village -Bakchauda PS -Sonbarsa District
-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

6 17-12-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 242 of 2020, instituted for the offences punishable under Sections 363 and 366(a) of the Indian Penal Code.

3. The prosecution case, in short, is that, the victim was kidnapped by co-accused Pinku Kumari and was kept in the house of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case as being the brother of the co-accused Pinku Kumari. It is further submitted that daughter of the informant herself went somewhere at midnight and the petitioner was apprehended on the basis of suspicion. The petitioner is in custody since 09.11.2023 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the victim is still traceless who is minor. The petitioner is not named in the FIR but his name has surfaced during course of investigation. It is further submitted that as per paragraphs 81 and 82 of the case diary, witnesses have supported the prosecution case. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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