

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52050 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Arvind Kumar @ Arvind Mahto Son of Feku Mahto R/O- Village- Dasain,
P.S.- Runnisaidpur, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md Sadre Alam S/o Md. Husaini R/o village-Dasain P.S.-Runnaisaidpur,
Distt-Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Adv.

For the Opposite Party/s : Ms. Akanksha Malviya, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-11-2024 Heard Mr. Amit Kumar Jha, learned Advocate for the
petitioner and the learned APP for the State. The Opposite Party
No. 2 appears through Ms. Akanksha Malviya, learned
Advocate.

2. The petitioner seeks regular bail, who is in custody
in connection with Runni Saidpur P.S. Case No. 189 of 2022
registered for the offence punishable under Sections 363, 365,
366A, 342 and 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the grand-daughter of the informant has been
forcefully kidnapped by the petitioner along with two other
persons and kept confined in the petitioner's house. It is also
alleged that all the accused persons have exploited the girl and
kept her for three days in confinement, thereafter, they threw the

victim by the roadside in unconscious condition. It is also alleged that despite the information given to police, no action has been taken.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR primarily contended that there is no date and time of incidence given. However, during the course of investigation when the restatement of the informant was recorded, it transpired that the occurrence is said to have taken place on 23.03.2022 and thereafter, the victim was recovered on 26.03.2022, but surprisingly the FIR has been registered on 15.04.2022 without there being any explanation for the delay. It is next contended that subsequent to recovery of the victim, her statement was recorded under Section 164 of Cr.P.C., wherein, she has not made any allegation of sexual exploitation. However, the statement of the victim suggests that grand-mother has informed her that there was some blood stain marks on her clothe, which were later on burnt. It is also the contention of the petitioner that both the family members are the villagers and they are known to each other. Had such occurrence really been taken place, they would have certainly made the complaint at the right time. The petitioner bears fair antecedent. It is lastly contended that be that as it may, now the petitioner

has been languishing in custody since 25.01.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State and the informant vehemently oppose the bail application and submit that the statement of the victim clearly suggests that she was being teased at the hands of the petitioner and his friend for the last few months and due to which she left her studies. There is specific allegation against the petitioner that it is he who forcefully kidnapped her and confined in a room. The police has also after investigation submitted charge-sheet under Section 376 of the Indian Penal Code along with other penal provisions as well as provisions of the POCSO Act.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the age of the victim, this Court is not acceded to the prayer of the petitioner.

7. However, the petitioner shall be at liberty to renew his prayer for bail application after framing of the charge.

(Harish Kumar, J.)

Jyoti Kumari/-

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