

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57409 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Brijesh Kumar @ Brajesh Kumar S/o Srawan Sah Sabaitha, Ward No 10,
Raipura, Balhampur, P.S. Simri Bhaktiyarpur, Dist- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 25-10-2024 1. Heard learned Counsel for the petitioner and

learned APP for the State.
2. This application, for grant of anticipatory bail,

arises out of Simri Bakhtiyarpur PS case no. 480 of 2023,

disclosing offences punishable under Sections 363, 366(A),

504, 506/34 of the Indian Penal Code.
3. The prosecution story, as per the First

Information Report, is that on 25.07.2023, the petitioner

kidnapped the minor daughter of the informant along with

other accused persons.
4. Learned Counsel for the petitioner submits that

petitioner has falsely been implicated in this case on the basis

of a concocted story as an after-thought, inasmuch as the



occurrence took place on 25.07.2023, however F.I.R. has been lodged after almost one month's delay i.e. on 21.08.2023. Learned counsel further submits that during investigation, nothing incriminating has come against the petitioner. He next submits that from the F.I.R., it is evident that the victim girl went along with the petitioner without any protest and no body has seen the petitioner taking victim girl along with him.

5. On the other hand, learned counsel for the State argued that victim girl is traceless. He further submits that this Court had called for a report from the Superintendent of Police, Saharsa regarding the steps taken by the police for recovery of the minor girl.

6. I have heard learned counsel for the parties and have gone through the F.I.R. and other materials on record. As per the allegation made in the F.I.R., the minor daughter of the informant, aged about 13 years, has been kidnapped by the petitioner and other accused persons.

In pursuance to the order passed by this Court, the Superintendent of Police, Saharsa submitted a report dated 17.10.2024, stating therein that during investigation and supervision, the petitioner was seen making chat with the victim on many occasions but no concrete step was taken by



either side for preventing it. The petitioner then went to Delhi but even from there, he used to chat on the house hold number of the victim. Named accused Riken Kumar, Amit Kumar and Pandav Kumar had lifted the girl and took her to the petitioner at Delhi. All the named accused persons were found absconding from their house. The case has been found true under Sections 363, 366(A), 341, 323, 504, 506/34 of the Indian Penal Code and Section 8/12 of POCSO Act. The case is under investigation and a Special Investigation Team has been formed for recovery of the girl. The S.I.T. has been constantly monitoring the progress made in the investigation but till date the victim girl has not been recovered and is traceless. The Superintendent of Police is personally monitoring the investigation and issuing required directions to all concerned so that the victim may be recovered at the earliest.

7. Having regard to the facts and circumstances of the case and taking into consideration the nature of allegation and the fact that the victim girl is still traceless, the investigation is still pending as also the fact that the minor girl was kidnapped and the petitioner is named accused in the F.I.R., I am not inclined to grant the privilege of anticipatory



bail to the petitioner.

8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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