

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71649 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- PANCHRUKHI District- Siwan

Rakesh Sah Son of Late Nand Kishor Sah Resident of village - Chanp (Tola Teghara), P.S.- Pachrukhi (Sarai O.P.), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 21-11-2024 Heard learned counsel for the petitioner and learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Pachrukhi (Sarai) P.S. Case No. 111 of 2024 instituted for the offences under Sections 363, 366A, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that this petitioner along with one other co-accused kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that victim is major and there was love affair between the victim and the petitioner and the victim left her house on her own free will. Learned counsel further submitted that it is evident from the FIR itself that the victim went with the petitioner on motorcycle on her own sweet will as she did not raise the alarm about her forceful kidnapping by the petitioner. Learned counsel further contended that even as per medical report, an alive intrauterine fetus of about eleven weeks was found. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that this petitioner committed rape upon her.

6. Considering the aforesaid facts and circumstances of the case and 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.



- 7. Accordingly, the prayer for grant of bail is rejected.
- 8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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