

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73214 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Sanjay Kumar @ Santoh Kumar Son of Surendra Singh @ Kantir Mishra
Resident Of Pandaul Near Bus Stand, P.S. - Pandaul, District - Madhubani,
Presently Residing At Nalapar, Rajapur, House Of Surendra Singh, P.S. -
Buddha Colony, District - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Adv. Mr.Pravashankar Mishra, Adv.
For the Opposite Party/s	:	Mr.Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Vatsal Verma, Adv.

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

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Special POCSO Case No. 43 of 2023 in connection with

Makhdumpur (Tehata OP) P.S. Case No. 99 of 2022

instituted for the offences under Section 363 of the Indian

Penal Code.

3. According to prosecution case, on 07.02.2022 at

about 2.00 PM, the Informant's minor daughter aged about

13 years had gone to Tehta market but, she did not return



till evening. Thereafter, the Informant started to make search but, till date, she is trace-less.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. rather his name has surfaced in this case on the basis of confessional statement of the co-accused which has no evidentiary value. There is also no specific role has been attributed to the petitioner. The Informant has also not raised any suspicion against the petitioner. The victim girl has already recovered by the police and she has also not made any specific allegation against the petitioner. The charge-sheet has been submitted in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and has been made scapegoat in this case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 19.05.2023.



5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the Informant has also produced some orders passed by the Co-ordinate Benches of this Court vide orders dated 20.06.2023, 19.04.2023, 23.12.2022 and 13.04.2023 passed in Cr. Misc. Nos. 3153 of 2023, 70619 of 2022, 57622 of 2022 and 61243 of 2022 receptively whereby the prayer for bail of the several co-accused persons has been rejected. It has further been submitted that the petitioner in his self-statement has admitted that he has committed the crime.

6. Having heard rival contentions of both the parties and considering the entire facts and circumstances of the case, this Court is of the view that the allegation made against the petitioner is serious in nature. From perusal of the record, it appears that the cognizance against the accused is taken u/s 363, 366A, 376(iii), 376, 372, 373, 370(iii), 467, 471, 420, 120(B), of the I.P.C., Section 4, 6, 8 & 10 of the POCSO Act and Section 8, 9 of Immoral Trafficking Act. This Court also finds that the prayer for bail



of the several co-accused persons has already been rejected by this Court.

7. Thus, considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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