

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12371 of 2025

Arising Out of PS. Case No.-270 Year-2024 Thana- HARSIDHI District- East Champaran

- 1. Sonu Kumar S/O Manager Mahto Resident of Village - Bahrupiya, Police Station - Turkauliya, District Motihari.
- 2. Monu @ Mannu @ Mannu Kumar Son of Manager Mahto Resident of Village - Bahrupiya, Police Station Turkauliya, District - Motihari

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Upendra Kumar Son of Dhuridew Prasad Resident of Village- Rupdih, Police Station Harsidhi, District East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the State : Mr.Manoj Kumar
For Opposite Party No. 2: Mr. Raki Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 315-05-2025
- 1. Heard learned Counsel for the petitioners, learned Counsel for the informant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
 - 2. This application, for grant of anticipatory bail, arises out of Harsidhi Police Station Case No. 270 of 2024, dated 13.05.2024, disclosing offences punishable under Sections 341/307/363/34 of the Indian Penal Code and Section 8/12 of the Prevention of Children from Sexual Offences Act, 2012.
 - 3. The prosecution case, as per the First Information Report, is that the minor daughter of the brother of the informant,



on 05.05.2024, at about 10 AM, left the house and did not return back. Thereafter, search was made, but the victim girl was not found. The mobile phone of the victim girl was seized on 04.05.2024, on which calls were coming from mobile no. 9508157132, but the caller used to disconnect the call when the call on the mobile phone of the victim was picked up. On enquiry, it was found that the mobile no. 9508157132 belongs to petitioner no. 1. The informant, along with his family members, went to the house of petitioner no. 1, where his brother, petitioner no. 2, Manager Mahto and mother of petitioners were present and petitioner no. 2 called petitioner no. 1, who informed that the niece of the informant was being treated by a doctor. Accordingly, the informant went to the clinic of the doctor and found the victim girl with ligature mark on her neck and the dress of the victim girl, which she was wearing, was also changed.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the ground that there was some relationship between the victim girl and the petitioner no. 1 and they were known to each other. He further submits that the mobile phone of



the victim girl was seized by her family members a day prior to the occurrence on which call was going from a particular number, which, on enquiry, was found to be the mobile phone of the petitioner no. 1. He next submits that if the victim girl had been kidnapped or was with the petitioner no. 1, there was no occasion for him to call the victim girl on her mobile phone on the date of occurrence. The petitioner no. 1 was not aware that the mobile phone of the victim girl was not with her nor he was aware that the victim girl had left her house. It has further been submitted that had the petitioner no. 1 being aware that the victim girl had left her house without her mobile phone, in that event, he would not have calling her on her mobile phone. It is further submitted that the informant alleged that the petitioner no. 2, after talking to petitioner no. 1, informed the informant that the victim girl was being treated in the clinic of Dr. Pappu. There is delay in lodging the First Information Report inasmuch as the occurrence has taken place on 05.05.2024, fardbayan of the informant was recorded on 07.05.2024 and the First Information Report was instituted on 13.05.2024. During investigation, it has transpired that Dr. Pappu informed



the police that the victim girl has been brought to her clinic on 05.05.2024 and he gave information in this regard to the police on the same date, but then, the fardbayan of the informant was recorded on 07.05.2024, which creates doubt over the prosecution story that the victim girl had left her home on 05.05.2024 and the present occurrence has taken place on 07.05.2024.

5. On the other hand, learned Counsel for the informant- Opposite Party No. 2 submits that the petitioners, in connivance with each other, kidnapped the victim girl and the statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has supported the case of the prosecution and has stated that the petitioners, along with others, kidnapped her in a vehicle and thereafter the petitioner no. 2 tried to strangle her, due to which she became unconscious and when she regained her consciousness, she found herself in Sadar Hospital.
6. Learned Additional Public Prosecutor, referring to the case diary, submits that the doctor has found ligature mark on whole neck of the victim girl.
7. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the nature of allegation, statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, the report of the doctor, which says that there was ligature mark on the whole neck of the victim girl and the victim girl is minor, I am not inclined to grant the petitioners privilege of anticipatory bail.

8. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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