

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35898 of 2025

Arising Out of PS. Case No.-10 Year-2015 Thana- SARAIYA District- Muzaffarpur

Bunilal Sah, aged about 60 years, Male, S/O Late Medan Sah, Resident of
village- Gopi Dhanwat, P.S.- Saraiya, (Jaitpur O.P.), District- Muzaffarpur
... .. Petitioner

Versus

1. The State of Bihar
2. Foolkumari Devi, aged about 50 years, Female, W/O Sukhdev Sah, Resident
of village- Gopi Dhanwat, P.S.- Saraiya, District- Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Nachiketa Jha, Advocate
For the State	:	Mr. Tarun Prasad Mandal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Saraiya P.S. Case No. 10 of 2015 dated 11.01.2015 registered for the offences punishable under Sections 366A, 302, 363 read with Section 34 of the I.P.C. and Sections 4 and 7 of the POCSO Act.

3. The prosecution case, in brief, is that on 27.01.2014 while the informant's minor daughter had gone to her school, the co-accused Sanjay Kumar Sah in collusion and connivance with other accused persons including the petitioner kidnapped her. When the informant came to know about the involvement of the



co-accused Sanjay Kumar Sah and his mother Nirmala Devi, she alongwith her husband went to Guwahati where the accused persons allegedly took away the informant's minor daughter and when the informant requested the accused persons to return her minor daughter, they assured to do so. The informant returned back to her home but the informant's daughter was not returned and on 23.09.2014, the informant came to know that they killed her minor daughter and disappeared the dead body.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that after investigation, police has submitted charge sheet in the present case. The informant is not an eye witness to the alleged offence. It is further submitted that from perusal of the F.I.R., it is evident that none has seen the daughter of the informant with the petitioner and his family members. It is further submitted that the informant herself has stated in the F.I.R. that the petitioner is her agnate (own pattidar), therefore, question of marriage with the daughter of the informant and son of the petitioner does not arise and it is also apparent that the informant was not present at the alleged place of occurrence. It is further submitted that the alleged



occurrence took place on 27.01.2014 and the complaint was filed on 26.09.2014 which came to be registered as an F.I.R. under Section 156(2) of the Cr.P.C. on 11.01.2015 and there is huge delay in lodging the F.I.R., and no explanation for such delay has been given by the prosecution. It is further submitted that the informant herself concealed her daughter somewhere and she has falsely implicated the petitioner and his family members in the present case. It is further submitted that neither the daughter of the informant nor her dead body was recovered till date and merely on suspicion, the present false case has been lodged against the petitioner and his family members. The petitioner is aged about 60 years old and he has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 10.02.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further submitted that the co-accused Sanjay Kumar Sah and his mother Nirmala Devi kidnapped the minor daughter of the informant and took her to Guwahati at the house of the petitioner who is the father of the co-accused Sanjay Kumar Sah and the husband of the co-accused Nirmala Devi and when the



victim's father went to the house of the petitioner at Guwahati and narrated about the story, the petitioner assured the victim's father that the victim girl would be returned back but did not return back the victim and after physical exploitation all the accused persons including the petitioner committed murder of the informant's minor daughter and disposed of her dead body. Learned A.P.P. for the State has further submitted that the victim girl is still traceless.

6. Considering the aforesaid facts and circumstances of the case as well as the accusation made against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Saraiya P.S. Case No. 10 of 2015, pending in the court of learned Exclusive Special Court of POCSO-III, Muzaffarpur.

7. The application stands rejected.

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(Chandra Prakash Singh, J)

