

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77889 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- KARANDAY District- Sheikhpura

Vikash Kumar @ Vikas Mahto S/o Srikant Mahto R/o vill - Ghari, P.S. -
Karandey, Distt.- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharendra Mahto S/o Late Prameshwar Mahto R/o vill - Ghari, P.s. -
Karenday, Distt.- Madhbuni

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 28-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Karandey P. S. Case No. 111 of 2023 registered for the offences punishable under Sections 365 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Prosecution story in brief is that on 13.10.2023 at 07:00 hours in the evening the daughter of the informant (victim) went to attend the call of nature near southern pond of village from where she disappeared. He tried to trace her out in the night but she could not be found any where. On 14.10.2023



he again called to relatives but no any trace was found. On 14.10.2023 at 3:00 hours in the evening a call came from an unknown number. Voice of his daughter came from this number after that mobile was snatched from his daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He has got no criminal antecedent. He submits that victim has been recovered by the police from the house of co-accused Md. Azad at Muzaffarpur and the petitioner has no concern with the co-accused Md. Azad. Petitioner is not involved in the alleged offence.

5. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. From perusal of the impugned order, it appears that the learned trial court has observed that as per para 35 of the case diary, the victim was recovered from the house of the accused petitioner Md. Azad. The victim has categorically stated in her statement made U/s 161 Cr.P.C. that on 13.10.2023 at 07:00 P.M. in the evening when she went for natural call, then her villagers Vijay Saw and accused petitioner Vikas Mahto took her on their motorcycle and thereafter took her on the road



and made her sit on the parked Bolero Car where already two persons were sitting on the said Borero car and when she became conscious she found locked in Muzaffarpur at the house of accused petitioner Md. Azad. She further alleged that accused petitioner md. Azad did not let her go anywhere and many people used to come to his house from outside and the petitioner Md. Azad used to threaten the victim and even try to beat the victim for doing wrong things and the victim used to obey everything due to fear. The Ld. Magistrate has also assessed the age of victim as 13 years as reflected in the impugned order. In her statement under Section 164 of Cr.P.C. she has fully supported the allegation leveled against the petitioner. Learned counsel appearing on behalf of petitioner filed the certified copy of the evidence of victim - Fulo Kumari, in which she has supported the entire occurrence and the allegation leveled against the petitioner. The status of present trial has been sent by the trial court in which it is stated that presently this case record is pending for final argument on behalf of accused. Next date is fixed on 03.05.2025 and this case record has been taken on priority basis and may be disposed of within thirty days.

7. Keeping in view the aforesaid facts and circumstances and considering the nature of allegation, I am not



persuaded to enlarge the petitioner on bail.

8. Accordingly, bail application of petitioner stands rejected.

(S. B. Pd. Singh, J)

prabhakar/-

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