

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86512 of 2024

Arising Out of PS. Case No.-94 Year-2016 Thana- BARH District- Patna

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1. Badal Kumar @ Rahul Kumar Son of Dil Sadho Singh @ Dil Siddh Singh Resident of Champapur, Bakhtiyarpur at present Khajurar, P.S.- Bhador, District- Patna
 2. Brahmchari Kumar Son of Uma Shankar Singh @ Uma Sharan Singh Resident of Village- Khajurar, P.S.- Bhador, District.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi Wife of Dilip Singh Resident of Village-Khajurar, P.S.- Bhador, at present Panchsheel Nagar P.S.- Barh, District.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Narendra Kumar Singh, APP
	Mr. Avnish Kumar Singh, Advocate
	Mr. Ranjeet Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 19-03-2025 1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.
2. The petitioners have preferred this application for grant of regular bail in connection with Barh P.S. Case no. 94 of 2016 registered under section 366 of the Indian Penal Code.
3. As per the prosecution case, the informant states that her 15 year old daughter was taken away by one Babul Kumar for the purpose of marriage. She was not to be found inspite of search.
4. Learned counsel for the petitioners submits that the



petitioners who were not named in the F.I.R. have been falsely implicated in the case. It was on return of the alleged victim, on her statement being recorded under section 164 of the Cr.P.C. that the petitioners were falsely implicated in the case. Though the trial proceeded against co-accused Babul Kumar, no information nor any summons etc. was received by these petitioners. With respect to the petitioners being named by the victim in the trial which proceeded against co-accused Babul Kumar it is submitted that no overt act has been alleged so far as these two petitioners are concerned and the allegations are specific against co-accused Babul Kumar. The petitioners are in custody since 9.9.2024 and undertake to cooperate in the trial/case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that both the petitioners have been named by the victim in her statement under section 164 of the Cr.P.C. that they along with co-accused Babul Kumar had kidnapped the minor victim by gagging her mouth. In a case of the year 2016, the petitioners having absconded, the trial proceeded under the POCSO Act against the sole accused Babul Kumar who was convicted on 22.12.2022. Referring to the



statement of the victim in course of trial, it is submitted that she has named both the petitioners herein of having actively participated along with co-accused Babul Kumar in her kidnapping.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation including the statement of the victim recorded under section 164 of the Cr.P.C. as is borne out from the contents of the order of the learned trial Court together with the deposition of the victim in course of trial wherein co-accused Babul Kumar was convicted, the victim having named the two petitioners herein as having participated in her kidnapping, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

(Partha Sarthy, J)

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