

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84451 of 2024

Arising Out of PS. Case No.-631 Year-2015 Thana- SITAMARHI District- Sitamarhi

SADDAM HUSAIN SON OF LATE MD. ABID RESIDENT OF VILLAGE-
RAMPUR KHURD, P.S.- PUPRI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md Saeem S/o Late Md Jaldin R/o Mehsaul Gote, P.S- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha, APP
For the Informant	:	Mr. Md. Murad Ashraf, Advocate

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

ORAL ORDER

3 03-03-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sitamarhi (Mehsaul) P.S. Case No. 631 of 2015 instituted for the offences under Sections 363, 366A of the Indian Penal Code.

3. Prosecution case, in short, is that, on 10.08.2015 the minor daughter of the informant went missing. Upon inquiry, her friend revealed that she frequently spoke to a person on a mobile number.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of mobile number given by the informant. No specific overt act is alleged against the petitioner. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not stated anything regarding her kidnapping or being sexually assaulted. He further referred to Section 164 Cr.P.C. statement of the victim and submitted that victim was living at Madrasa/Child Care Center for over two years. Learned counsel therefore, contended that victim was never physically exploited and hence, the allegations levelled against the petitioner are false. Learned counsel further submitted that, as a matter of fact, the petitioner has been mistakenly arrested in this case as the victim herself has filed a petition before the learned court below that she had named one Saddam who is some other boy, not this petitioner. Learned counsel, therefore, contended that the petitioner is mistakenly in jail on account of the confusion arising out of the common names of the two distinct persons. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of



bail to the petitioner. Learned counsel for the informant referred paragraph nos. 74, 143 and 174 of the case diary and submitted that the petitioner has been arrested in this case on the basis of mobile number which was being used by this petitioner to contact the minor daughter of the informant and, therefore, the allegation alleged against the petitioner cannot be ruled out. Learned APP further submitted that police after investigation submitted charge-sheet against the petitioner under Sections 363, 366A of the Indian Penal Code.

6. Considering the aforesaid facts and circumstances of the case, nature of offence, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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