

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87628 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

=====

Sahid Anjum S/o- Abadul Jabbar Resident of village- Sisahani Ps- Kundwa
Chainpur District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jafi Akhtar Sah S/o- Late Mahmud Sah Village- Sisahani Ps- Kundwa
Chainpur Dist- East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

=====

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

ORAL ORDER

5 02-09-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice upon the

O.P. No.2, no one has appeared on his behalf.

2. The petitioner seeks bail in connection with P. Tr.

No. 136 of 2024 arising out Kundwachainpur P.S. Case No. 91

of 2024 instituted for the offences under Sections 363, 366(A),

34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the

petitioner is of taking away the informant's minor daughter by

luring her for the purpose of physical abuse. It is also alleged

that the petitioner's mother and his younger brother have

assisted him in taking away the informant's daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to oblique and ulterior motive. He further submits that there is delay of five days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. He further submits that the statements of the victim girl recorded under Sections 164 and 161 of the Cr.P.C. are contradictory to each other. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.06.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has levelled direct and specific allegation against the petitioner of committing rape. He further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 363, 366(A) of the I.P.C. and Section 8 of the POCSO Act and, subsequently, cognizance has been taken under Sections 363, 366(A), 34 of the I.P.C. and Section 8



of the POCSO Act.

6. At this stage, learned counsel for the petitioner submits that the trial is going on and out of total 10 charge-sheet witnesses, two witnesses have been examined.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case and keeping in view the nature of allegation, gravity of the offence, materials available in the case diary, there being direct allegation of rape against the petitioner as also the fact that the trial is going on, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of five months from today. If the trial is not concluded within the period of five months as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

