

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 942 of 2022
(Arising out of Naubatpur P.S. Case No. 199 of 2022)

28.09.2022

The bail petition filed dated 01.09.2022 on behalf of the accused-petitioner namely Mangal Sharma @ Sanni Kumar, son of Subhash Sharma, R/o Village-Pali, P.S. Naubatpur, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 08.04.2022 in connection with Naubatpur P.S. Case No. 199 of 2022 for the offence under Sections **363, 366(A) of I.P.C.**

Heard Sri Surj Nandan Sharma on behalf of the accused-petitioner and learned Addl. P.P. on behalf of the State.

The case of the prosecution, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Uday Paswan alleging that the informant's daughter is aged about 16 years and Mangal Sharma (petitioner) and Pawan Sharma both are of his own village and he also stated that his daughter has been missing on 04.04.2022 from 02:00 P.M. He further stated that after locating his surroundings and relatives here, he came to know that there are two boys from the village who are yet to be traced and the call is coming from a new Mobile No. 7324929970 but is unable to talk.

The learned counsel for the accused-petitioner submitted that the petitioner is quite innocent and has committed no offence and has falsely been implicated in this false case only with a view to harass and humiliate the petitioner in society due to his ill motive and grudge at the instance of enemies of petitioner. He further submitted that the statement made by the victim girl Section 164 Cr. P.C. after came under pressure of her parents before the court so that the same is totally false and likewise denial in law itself. Under the facts and circumstances it is crystal clear that petitioner is innocent and has not committed any offence as alleged against him in this case. The police has submitted a false charge sheet against the petitioner under came in collusion of the informant of this case and all the witnesses are of his own family members. This false case has been engineered against the petitioner only with a view to give undue pressure upon the petitioner and his family members. Under the facts and circumstances it is quite clear that nothing has happened as alleged and this case has been lodged with some ulterior motive. The petitioner has no criminal antecedent. That earlier neither A.B.P. nor regular bail has been filed on behalf of the petitioner either this learned court or before the Hon'ble High Court, Patna.

Learned Addl. P.P. vehemently opposed the prayer of bail and submitted that the victim is a minor. The allegation is serious in nature.

I have heard the rival submissions of both the parties and perused the case record. The petitioner is named in the FIR. The allegation against the petitioner is that he along-with his associates has kidnapped the minor daughter of the informant. In Para 2, 4, 5, 14, 18, 30 of the case diary the witnesses have fully supported the prosecution case. The allegation of the informant is also fully corroborated with the statement of victim made under Section 164 Cr. P.C. During the course of investigation the case is found true

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against the petitioner. The case is at the stage of framing of charge. As per Para 3 of the bail petition the petitioner has no criminal antecedent. Considering the nature of allegation, victim is minor and the stage of the case, I am not inclined to enlarge the petitioner/accused on bail. Accordingly, the bail petition of the petitioner is hereby **rejected**.

Any observation made herein will be inconsequential during trial or any further stage of the case.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
28.09.2022