

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29282 of 2016

Arising Out of PS.Case No. -140 Year- 2016 Thana -BIHIYA District- BHOJPUR

=====

1. Golu Kumar Dubey Son of Ajay Kumar Dubey Resident of Village -
Dubauli, P.S. - Bihiya, District - Bhojpur, Arrah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. M.Dayal,

For the informant : Ms. Rina Sinha

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 31-08-2016

Heard the counsel for the petitioner, the informant as
well as Mr. Dayal APP for the State.

The petitioner apprehends his arrest in connection
with Bihiya P.S. case no. 140 of 2016, registered under Sections
363, 366A and 120B/34 of the IPC.

The brother of the victim has alleged that his minor
sister was kidnapped by the accused persons at night when she had
gone to attend the call of nature. The following day co-accused
Munna Paswan was arrested who is said to have made a
confessional statement inculcating himself in the alleged offence
stating further that he was having affairs with the victim girl. On
disclosure made by him the victim girl was recovered on the same
day from the house of his 'Mousi'. The statement of the girl was
recorded by the learned Magistrate wherein she has alleged that in

the night of 18.05.2016 when she had gone out to attend the call of nature co accuseds Anuj Pandey, Munna Paswan and the petitioner came. Anuj Pandey whipped out dagger and under threat to her life forcibly kidnapped her.

Contention of the petitioner is that owing to previous animosity, he has been named in the FIR. Co accused Munna Paswan has stated in his confessional statement that love affairs was going between him and the victim girl. The doctor on assessment estimated the victim girl between 18 to 20 years.

Learned counsel for the informant as well as the State opposed the prayer and submitted that in her statement (Annexure-3), the victim girl has specifically alleged that the petitioner along with others had kidnapped her. In the estimation of the Magistrate, the girl was minor.

Considering the facts and circumstances of the case as also the allegations contained in the FIR and the statement of the victim (Annexure-3) I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

Shyam/-

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