

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23275 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -DULHIN BAZAR District- PATNA

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Rohit Kumar, Son of Nagendra Singh, resident of village- Dema, P.S.-
Dhanarua, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.03.2017 in connection with Special Case No. 04 of 2017,
arising out of Dulhin Bazar P.S. Case No. 215 of 2016 pending in
the Court of learned A.D.J.-I, Patna registered for the offence
punishable under Section 366(A) of the Indian Penal Code. Later
on, Section 376 of the Indian Penal Code and Section 4 of the
POCSO Act were also added.

The prosecution case, as lodged by the informant, is
that his daughter went to the market and did not return. He
received mobile call that his daughter has been kidnapped and not
to inform the police.



It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and the victim girl in her statement under Section 164 Cr.P.C. has not named the petitioner in the commission of any overt act and the allegation is that he only threatened the victim girl. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner was also one of the conspirators along with other accused persons and the victim girl is a minor whom the petitioner and other accused persons had forcibly abducted and confined, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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