

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40601 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -KADWA District- KATI HAR

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1. Santosh Kumar Thakur S/o Raj Kumar Thakur, R/o Vill.- Gigin Bagdar,
P.S.- Kadwa (Balua Belon), Distt.- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 11.02.2018 in connection
with Kadwa (Balua Belon) P.S. Case No. 43 of 2018 registered under
Sections 363 and 366 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the
petitioner is innocent and has not committed any offence.
Although there is allegation of abduction of victim girl against the
petitioner but after lodging of the F.I.R. victim girl was recovered. The
victim girl is aged about 17-18 years and she is a minor and there is no
injury found on the victim, which is evident from annexure-3. There is
no eye witness to the alleged occurrence. The petitioner is rotting in
judicial custody for the last five months.

Learned A.P.P. has opposed the prayer for bail and



submitted that there is direct allegation of abduction of the victim girl for the purpose of performing marriage against the petitioner and charge sheet under Section 363, 366(A) and 376 of the Indian Penal Code and Section 9 of the Child Prohibition of Marriage Act has been submitted against the petitioner. Moreover, charges have not been framed against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, the petitioner may renew his prayer for bail after framing of charge.

(Arvind Srivastava, J)

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