

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7182 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -CHAURI District- BHOJPUR

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Kunna Ojha @ Kunal Ojha @ Kunal Kumar S/o Vani Bhushan Ojha @
Bhala Ojha, R/o Village- Kolodihari, P.S.- Chouri, District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in relation to Chauri P.S. Case No. 62/2017 registered under Sections 366(A)/34 of the Indian Penal Code, pending before learned A.C.J.M. – XII, Bhojpur, Ara.

Learned counsel for the petitioner submits that from the statement under Section 164 Cr.P.C. recorded by the victim girl, it would appear that she is not making any allegation of kidnapping or of committing any illegal act by this petitioner. Learned counsel further submits that co-accused in this case have been granted privilege of Anticipatory Bail by learned Sessions Judge, Bhojpur, Ara vide Annexure-2 to the present application, and the case of



this petitioner is similarly situated, therefore he deserves the privilege of Anticipatory Bail.

On the other hand, learned Additional Public Prosecutor representing the State submits that those, who have been granted the privilege of Anticipatory Bail, were the family members of this petitioner as crux of the allegations are against this petitioner. The victim girl has been found to be aged about 14-15 years, whereas the petitioner is aged about 24 years which clearly shows that this petitioner was a major and had taken away the victim girl, later on, however in order to save her prestige, the victim girl made her statement under Section 164 Cr.P.C.

Considering the facts and circumstances particularly that this petitioner is said to be aged about 24 years and the victim girl was aged about 14-15 years who was taken away by this petitioner, and there was no consent of the family members of the victim girl, I am not inclined to grant Anticipatory Bail to this petitioner.

Accordingly, prayer for Anticipatory Bail of the petitioner is rejected.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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