

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12570 of 2019

Arising Out of PS. Case No.-423 Year-2018 Thana- KORHA District- Katihar

Mithu Rishi, Son of Sudhir Rishi, Resident of Village - Dighari School Tola,
P.S.- Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Korha P.S. Case No.423 of 2018,
registered for the offence punishable under Sections 323,
366(A), 506/34 of the Indian Penal Code.

Allegation has been made that the accused persons
including the petitioner have kidnapped the daughter of the
informant/complainant, aged about 16 years, for the purpose of
marriage. However, the statement of the girl has been recorded
where she has disclosed her age of 15 years and also she has
supported the prosecution case. There is specific allegation of
kidnapping against the petitioner.

Learned counsel for the petitioner submits that the
complaint case has been filed on 31.10.2018, whereas the
present FIR has been lodged on 01.12.2018, but for delay, an



explanation has been given by the father that he was trying to locate his daughter and when father failed to locate his daughter, then ultimately the case has been lodged.

Learned counsel for the petitioner further submits that before the police a different story has been narrated by the victim which has been mentioned in paragraph 10 of the petition, but from the statement made before the Magistrate where it has been mentioned that the petitioner has administered some intoxicated material and taken her away to Bhatinda, where the petitioner established sexual relationship on the allurements that he will enter into the marriage.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However, if the petitioner surrenders before the Court below within four weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

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