

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20206 of 2019

Arising Out of PS. Case No.-232 Year-2017 Thana- KOTWA District- East Champaran

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Rajnish Kumar @ Dhunu Kumar @ Dhunu @ Rajnish Son of Nand Kishor
Patel @ Nanhak Patel Resident of Village- Navada, P.S.- Govindganj,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan

For the Opposite Party/s : Mr. Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 20-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Kotwa P.S. Case No. 232 of 2017 registered for the offence
punishable under Sections 363, 366, 366(A) and 34 of the
Indian Penal Code.

Petitioner is said to have kidnapped minor daughter
of the informant.

It is submitted by learned counsel for the petitioner
that petitioner has no concern with the aforesaid occurrence.
Petitioner has been falsely implicated in this case. As a matter of
fact, the victim happens to be major as evident from the mark-
sheet of Secondary School Examination and she has also
performed marriage with the petitioner as evident from the
certificate of marriage issued by the Marriage Officer, Bettiah.
Petitioner has no criminal antecedent. Hence, he may be



enlarged on bail.

On the other hand, learned APP opposing the bail prayer of the petitioner submitted that victim in her statement recorded under Section 164 Cr.P.C. has stated that petitioner used to tease her. On the date of occurrence, mother of the petitioner called her at her house and served her some intoxicated drink. Subsequently she fell senseless. Then petitioner along with other accused persons locked her in the room and petitioner committed rape against her. She was subsequently taken to different places and petitioner and co-accused Mukesh Patel and Nand Kishore also committed rape against her keeping her under influence of intoxication.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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