

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23982 of 2019

Arising Out of PS. Case No.-182 Year-2016 Thana- RAJAON District- Banka

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NITESH Kumar Son of Kapildev Harijan Resident of Village - Kifayatpur,
P.S.- Rajoun, Distt.- Banka..... Petitioner/s

Versus

The State of Bihar..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

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

ORAL ORDER

4 18-07-2019 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rajoun P.S. Case No. 182 of 2016, registered for the offences punishable under Sections 363/366(A) and 34 of the Indian Penal Code.

Petitioner is said to have been visiting and talking term to the minor grand-daughter (Natni) of the informant and he has kidnapped her in the association of other co-accused.

It is submitted by the learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. Victim happens to be major as evident from the Mark Sheet of the Secondary School Examination, 2014. Victim in her statement recorded under Section 164 Cr.P.C. has not named the petitioner, hence he may be enlarged on bail.



On the other hand, learned A.P.P. for the State opposing the bail prayer submitted that though victim in her statement recorded under Section 164 Cr.P.C. has stated that while she had gone to shop to take her emergency light given in the shop for repairing four accused persons kidnapped her and took her to Delhi where they kept her under influence of injection and the case diary indicates that the victim is pregnant during her stay at Delhi but the victim has not specifically named the petitioner in her statement recorded under Section 164 Cr.P.C. But she was recovered from the house of the petitioner, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to give privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is hereby rejected.

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

(Prakash Chandra Jaiswal, J)

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