

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29418 of 2019

Arising Out of PS. Case No.-442 Year-2018 Thana- MITHANPURA District- Muzaffarpur

AKHILESH KUMAR Son of Nawal Kishore Ray, Resident of Village-
Narayanpur, P.S-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Mithanpura P.S.Case no.442 of 2018 registered for offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8/12 of POCSO ACT.

Allegation against the petitioner and other accused persons is of kidnapping of the minor daughter of the informant for the purpose of marriage.

Submission of the learned counsel for the petitioner is that the petitioner has refused to appear before the medical board for her examination , as such the allegation of rape against the petitioner is false and concocted and the allegation of kidnapping also does not appear to be believable from the materials available on the record.



Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the girl in her statement recorded under Section 164 Cr.P.C. has also supported the allegation against the petitioner and also stated that she was subjected to rape..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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