

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64071 of 2019**

Arising Out of PS. Case No.-89 Year-2019 Thana- KASIMBAZAR District- Munger

MD. SAMIR, aged about 19 years, Male, Son of Md. Shamim, Resident of
Village/Mohalla- Mansari Tole Bajrangwali Mandir, P.S.- Kasim Bazar,
District- Munger ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Adv.
For the Opposite Party : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 18-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Kasim Bazar P.S. Case No. 89 of 2019, pending in the Court of
the Additional Sessions Judge I-cum-Special Judge, POCSO
Act, Munger, registered under Sections 363, 366A and 364 of
the Indian Penal Code and 8 of the Protection of Children from
Sexual Offences Act, 2012.

The accusation is of kidnapping of minor daughter of
the informant by the petitioner for performing the marriage.

The learned counsel appearing on behalf of the
petitioner submits that after recovery of the daughter of the
informant, she was examined medically and her age was
assessed between 17 to 18 years and her statement was also
recorded under Section 164 of the Indian Penal Code in which



she has stated about her kidnapping by this petitioner saing that this petitioner wanted to perform the marriage, but, she did not state about committing rape by the petitioner and others.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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