

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76758 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- HATHUA District- Gopalganj

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ARUN KUMAR GUPTA Son of Brij Kishore Gupta Resident of Village-
Manichhapar, Police Station-Hathua, District-Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gorakh Prasad Son of Late Govind Sah Resident of Village-Manichhapar,
Police Station-Hathua, District-Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 05-12-2019

Heard learned counsel for the petitioner and the State.

2 It is submitted by the petitioner's counsel that the victim was a major as per the Medical Board. It is also submitted that in the statement of the victim recorded under Section 164 of Criminal Procedure Code (for brevity, *Cr P C*), she has admitted intimate relation in the past with the accused.

3 The records, as they are and the statements contained in the first information report, do constitute ingredients for the offence of kidnapping. The victim, in her statement, has also specifically stated that she was kidnapped by the accused petitioner. The Court below, therefore, was right in taking



cognizance as there appears to be sufficient material on record to justify taking of cognizance under order dated 24.06.2019.

4 The petitioner, however, would be at liberty to take his defence or raise all issues at the appropriate stage in the trial, which, needless to say, have to be considered by the Court below in accordance with law.

5 There is no occasion for this Court to interfere under Section 482 of Cr P C.

6 This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2019
Transmission Date	NA

