

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3319 of 2020**

Arising Out of PS. Case No.-55 Year-2019 Thana- PARBATTI District- Bhagalpur

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KRISHAN KUMAR MAHTON @ KISHAN KUMAR Son of Sikander  
Mahto Resident of Village - Bindtoli, Raghapur, P.S.- Parbatta, District -  
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      16-09-2020                      This matter has been taken up through Video  
Conferencing.

Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in  
connection with Parbatta P.S. Case No.55 of 2019, registered  
for the offences punishable under Sections 363/366A/34 of the  
Indian Penal Code and Section 8 of the POCSO Act.

Allegation against the petitioner is of kidnapping of  
the minor daughter of the informant. The victim girl, in her  
statement under Section 164 Cr.P.C., disclosed her age as 13  
years. Learned Magistrate also assessed her age as 13 years.  
She alleges that the petitioner had induced her to go to



Himanchal Pradesh. When criminal case was lodged by the parents petitioner left her along with an unknown person.

Learned counsel for the petitioner submits that in fact the victim was a consenting party and in her statement under Section 161 Cr.P.C. before the police she had stated that as mother had scolded her she left the house.

Since more trustworthy statement of the victim before the Magistrate discloses allegation of commission of her kidnapping by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner, the prayer for regular bail shall be considered without being prejudiced by the order of this Court considering the fact that it was a case of simple kidnapping and no other allegation is there.

**(Birendra Kumar, J)**

Mkr./-

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