

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25601 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- LALGANJ District- Vaishali

VISHAL KUMAR S/o Sanjay Paswan Resident of Village- Kamalpur, P.S.-
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Lalganj P.S.
Case No.212 of 2019 registered under Sections 363, 366A and
34 of the Indian Penal Code.

The mother of the victim alleged that on 12.06.2019,
her daughter aged about 15 years had gone to purchase
vegetables but she did not return. During the course of search,
the informant came to know that the petitioner and others
kidnapped her daughter for illegal purpose.

The learned counsel for the petitioner submits that
occurrence took place on 12.06.2019 but the F.I.R. was lodged
on 18.06.2019. There is no explanation for delay of lodging the
F.I.R. There is no eye witness of the occurrence. Nobody has
seen the petitioner kidnapping the victim. The victim after her
recovery made statement under Section 164 Cr.P.C. on
18.10.2019 and she made contradictory statement regarding the
commission of rape. It is further submitted that victim was
having love affairs with her next door neighbour, Manish



Kumar. Manish Kumar eloped with the victim and both solemnised marriage on 13.06.2019 in a temple and a petition for the same was also filed in Lalganj police station. No offence under Section 363, 366A and 34 I.P.C. is made out.

It appears from perusal of the statement of the victim recorded under Section 164 Cr.P.C. that victim very categorically alleged that when she had gone to purchase vegetable, Manish Paswan, Kali Paswan and Vishal paswan came with a four-wheeler and got her seated in the four-wheeler and they kidnapped her in a Bolero vehicle. They took her to Patna and thereafter they took her to Delhi. The victim made specific allegation that the petitioner and others committed rape with her.

Taking into consideration the fact that victim herself made specific allegation against the petitioner and others that they kidnapped and committed rape with her, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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