

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27722 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- GOVINDPUR District- Nawada

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Bittu Kumar @ Bittu Vishwakarma S/o Ramdeo Vishwakarma Resident of
Village- kalidih, P.S.- Satgawan, District- Kodarma (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Mishra, Adv. Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for regular bail has been filed
by the petitioner in connection with Govindpur P.S. Case
No.149 of 2019 registered under section 376 of the Indian Penal
Code to which section 4 of the POCSO Act was added
subsequently.

As per allegation in the FIR, the daughter of the
informant who had gone to get some clothes from the shop
disappeared and was not to be found inspite of search.

It is submitted by learned counsel for the petitioner
that the F.I.R. was registered against unknown. The name of the
petitioner transpired in course of investigation when the



daughter of the informant was produced by her maternal uncle and her statement was recorded under section 164 Cr.P.C. It is submitted that as a result of being in the company of her close relatives that her statement under section 164 Cr.P.C. has been made under coercion. The doctor in the medical report has found her age to be between 17 and 19 years. It is submitted that from perusal of the statement under section 164 Cr.P.C. it would transpire that she was taken on a Bollero vehicle by just two persons to Jharkhand from where they proceeded to Kolkata and thereafter to Kerala. She was not recovered by the police but was produced by her maternal uncle. The petitioner has no criminal antecedent and is in custody since 13.10.2019 i.e more than one year.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that besides the medical board finding the age of the victim to be between 17-19 years, the victim in her statement under section 164 Cr.P.C. has made specific statements about forcibly being kidnapped by this petitioner and the petitioner establishing physical contact with her forcibly and against her consent, the Court is not inclined to enlarge the



petitioner on bail.

The prayer for bail is rejected.

(Partha Sarthy, J)

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