

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25080 of 2020

Arising Out of PS. Case No.-958 Year-2018 Thana- SONEPUR District- Saran

Nikhil Kumar @ Nikhil Singh aged about 19 years S/o Braj Kishor Singh
R/o Village- Kasmar Kharika, P.S.- Sonepur, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Rina Sinha, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-11-2020 Heard learned counsel for the petitioner and the State
via Video Conferencing.

Petitioner apprehends arrest in Sonepur Police Station
Case No. 958 of 2018 for the offences punishable under Section
366A of the Indian Penal Code.

Prosecution's case in brief is that the informant's
minor daughter was missing on 19.9.2018 at 7 pm and on
enquiry the informant learnt that she left the house along with
Aadhar card, ornaments and cash of Rs.7000/-. Earlier also she
had been kidnapped by one Satish Chandrayan for which
Sonepur Police Station case no. 359/2018 had been registered. It
is stated that when the victim was recovered in the instant case,
in her statement under section 164 Cr.P.C. she alleged that the
petitioner committed sexual assault on her.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He submits
that the victim was recovered from the Sonepur railway station
and same day her section 164 Cr.P.C. statement was recorded.
In course of medical examination dated 3.1.2019 her age has
been found to be 18 years. The doctor has also opined that 'there
is no any evidence of recent sexual intercourse and also there is
no injury on her private part'. Besides, the victim has not



disclosed that when and where the petitioner committed such offence with her. In the earlier case (Sonepur Police Station Case No. 359/2018), police submitted final form. Petitioner has got no criminal antecedent.

Learned counsel for the State opposes the prayer for bail. He states that the Vitim has made specific allegation against the petitioner in her section 164 Cr.P.C. statement.

Considering the gravity of the allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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