

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24149 of 2020

Arising Out of PS. Case No.-78 Year-2019 Thana- DAWATH District- Rohtas

Mukesh Kumar, Male, aged about 21 years, Son of Mahanth Singh, Resident of Kawai, P.S. - Dawat, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate
For the State	:	Mr.Satya Narayan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-12-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Dawat P.S. Case No. 78 of 2019 registered for the offences punishable under Sections 366(A), 504, 506, 34 of the Indian Penal Code.

The informant is Brijbihari Singh and is resident of village Kawai and on 01.05.2019 at about 02:00 P.M. in the day time, his daughter went to Malia Bagh market and on the pretext of marriage one person namely Mukesh Kumar aged about 21 years of the same village took her somewhere and the said incident was known to the informant and the informant went to the house of Mukesh Kumar and his father namely Mahanth Singh started abusing and his wife also started abusing and threatening that his daughter will be killed if he objected to it



and further stated that both of them will be married.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case and has committed no offence. He further submits that there is contradictory statement under Sections 161 and 164 Cr.P.C. He further submits that the occurrence took place on 01.05.2019 and the F.I.R. has been lodged on 16.05.2019 and there in-ordinate delay of 15 days, which is not explained by the prosecution. He further submits that as a matter of fact there is no medical report nor the girl has been sent for the medical examination at any point of time and the girl's statement should not be believed as there is an inconsistency statement under Sections 161 and 164 Cr.P.C.

I have perused the record including the case diary. The statement of the victim is recorded under Section 164 Cr.P.C. and he supported the prosecution case.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner in connection with Dawat P.S. Case No.78 of 2019 pending in the court of learned S.D.J.M., Bikramganj (Rohtas), District-Rohtas is hereby rejected. However, the petitioner is directed to



surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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