

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28845 of 2020

Arising Out of PS. Case No.-91 Year-2020 Thana- GHOGHARDIHA District- Madhubani

KANHAIYA KUMAR KAMAT Son of Raghunath Kamat Resident of Village
- Rajuahi, P.S.- Ghoghardiha, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Ghoghardiha P.S. Case No. 91 of 2020 for the offence punishable under Sections 363 and 366(A) of the Indian Penal Code.

The allegation levelled by the prosecution against the petitioner is regarding him having kidnapped the victim girl when she had gone out for attending to natural call in the night on the alleged date and time of occurrence. It is further alleged



that the informant along with others had then searched for the victim girl whereafter they had reached at the tent house of the petitioner and from inside noise of crying was heard whereupon the villagers had opened the room and the daughter of the informant was found inside the room and it transpired that the petitioner had kidnapped her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 14.06.2020. The learned counsel for the petitioner has further submitted that the victim girl has not alleged any untoward incident to have been committed by the petitioner with her.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the materials available on record as also those available in the case diary, this Court finds from a bare perusal of the statement made by the victim girl made under Section 164 Cr.P.C., before the learned Magistrate, that the victim girl has corroborated the incident of her kidnapping by the petitioner herein and it was the good



fortune of the victim girl that the villagers had arrived and freed her, hence prima facie complicity of the petitioner is writ large on the records, hence I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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