

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32734 of 2020

Arising Out of PS. Case No.-142 Year-2020 Thana- SITAMARHI District- Sitamarhi

SATYAM KUMAR S/o Late Bachchu Sing R/o village- Jihull, P.S.- Patahi,
District- Motihari (East Champaran) At present residing at Ward No. 1,
Vinama Tola, Mehsaul Pashchimi, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-12-2020 Heard Mr. Krishna Murari, learned counsel for the

petitioner and Ms. Nirmala Kumari, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with

Sitamarhi P.S. Case No. 142 of 2020 registered for the offences

punishable under Sections 363, 366(A), 372 and 34 of the

Indian Penal Code 1860.

The allegation as per the First Information Report is

that in the night of 28/29.2.2020, the petitioner along with his

accomplice entered into the house of the informant and

kidnapped her minor grand daughter namely, Nazia Parween @

Sonam on the gun point and fled away. It has further been

alleged that informant suspected that petitioner along with his



accomplice kidnapped the minor grand daughter of the informant for the purpose of immoral trafficking.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the the petitioner eloped with the victim girl with her consent. Learned counsel further submits that victim girl has been recovered and her statement under Section 164 Cr. P.C. has been recorded, in which, she has stated against the petitioner under the pressure of her family members. Learned counsel also submits that no medical of the victim girl was held and her age was also not assessed by the Medical Board.

On the other hand, learned counsel for the State submits that the learned Magistrate has assessed the age of victim girl as 16 years and referring to the impugned order learned counsel submits that the date of birth of the victim girl is 16.5.2004 and the occurrence is of 28/29.2.2020 and, accordingly, the victim was minor at the time of alleged occurrence. Learned counsel further submits that the statement of victim girl has been recorded under Section 164 Cr. P.C. wherein she has categorically stated that she was forcibly kidnapped by the petitioner along with others and she was being sexually assaulted and exploited by the petitioner after



administering some stuff in her mouth. Learned counsel next submits that the victim girl has also disclosed that petitioner forcibly married with the victim and took her photograph also.

Having heard learned counsel for the parties and the statement of victim girl recorded under Section 164 Cr. P.C., I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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