

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62940 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- RUDRAPUR District- Madhubani

Dipesh Kumar Kamat @ Dipesh Kamat @ Dipesh S/O Lakshmi Kamat
Resident of Village- Karanpur Mahrail, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Rudrapur P.S. Case No.101 of 2018, registered for the offence punishable under sections 363, 366A and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that his 16 years old daughter was kidnapped by the petitioner and other persons with the intention of marriage.

It is submitted by learned counsel for the petitioner that the victim daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein the narration changed absolutely from what had been alleged in the F.I.R. It is



stated that while in the F.I.R. the informant had stated that she had gone to ease herself between 4-5 am, in her statement under section 164 Cr.P.C. she states that she had gone for tuition to the house of the petitioner. It is further submitted that the F.I.R. does not contain the date of occurrence and the medical report, copy of which has been brought on record does not support the prosecution case. The Medical Board has concluded that as per the physical and pathological report, the Board cannot conclude whether sexual assault has been done or not. It is finally submitted that petitioner has no criminal antecedent. It is further submitted with respect to the statement under section 164 Cr.P.C. that from the house of the accused persons she was not recovered by the police but on information being given by her, she was taken away by her uncle from the house of the accused persons. It is further submitted that the dispute between the informant and the accused persons have been settled and a compromise petition (Annexure -4) has also been filed to this effect which shows that informant no longer wants to pursue this matter.

The application for bail has been opposed by learned APP for the State who submits that the petitioner is named in the F.I.R and there is direct allegation against him. It is further



submitted that from the medical report it would transpire that admittedly the victim daughter of the informant happens to be a minor and in her statement under section 164 Cr.P.C. she has categorically stated that the petitioner established physical relationship with her.

Having heard learned counsel for the parties, in the facts and circumstances of the case including the fact that the petitioner is named in the F.I.R., the daughter of the informant happens to be a minor as per opinion of the Medical Board and the nature of allegation as levelled in her statement under section 164 Cr.P.C., this Court is not inclined to enlarge the petitioner on bail. As such his application for anticipatory bail is rejected.

The petitioner is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

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