

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34867 of 2021

Arising Out of PS. Case No.-974 Year-2020 Thana- MADHEPURA District- Madhepura

=====

AMPI KUMAR @ EMPI KUMAR S/o Bharat Yadav R/o village-
Shishwapatti, Ward No.- 07, P.S.- Gwalpara (Arar O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 363, 366(A), 34 of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, this petitioner along with co-accused, Santosh Kumar, are alleged to have kidnapped the minor daughter of informant and when the informant went to the house of co-accused Santosh Kumar to inquire about her daughter, she was abused and ousted.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case due to village politics and inter community rivalry. It is submitted that the occurrence took place on 24.12.2020 but the FIR was lodged after two days of occurrence on 26.12.2020



without any plausible explanation. It is further submitted that there was love affair between the victim and the petitioner and the victim at her own went with this petitioner. The victim is not minor and upon the pressure of victim the petitioner solemnized marriage with her. Petitioner claims clean antecedent and is in custody since 02.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is direct and specific allegation against this petitioner of kidnapping the minor daughter of informant. The doctor assessed the age of victim between 13-15 years and the victim in her statement recorded u/s 164 of the Cr. P. C. supported the prosecution case and alleged that this petitioner forcibly solemnized marriage with her.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

