

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35762 of 2020

Arising Out of PS. Case No.-266 Year-2019 Thana- BARUN District- Aurangabad

Santosh Chaudhary S/o Doma Chaudhary R/o Village Dhami (Gola Par) P.S.-
Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-03-2021 Heard the learned counsel for the petitioner and
Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection
with Barun PS case no. 266 of 2019 instituted for the offences
punishable under Sections 363, 366(A) of Indian Penal Code.

The allegation is regarding the petitioner having
kidnapped the daughter of the informant for the purposes of
solemnizing marriage, when she had gone to attend classes at
Vision Class Center, Baroon.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and
is languishing in custody since 31.01.2020. The learned counsel
for the petitioner has further submitted that the allegation of



rape is false, inasmuch as there is no medical report on record and moreover, the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate would show that there was a love affair existing in between the petitioner and the victim girl from before.

Per contra, the learned A.P.P. for the State, by referring to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, has submitted that a direct allegation has been levelled by the victim girl against the petitioner of having raped her. It is further submitted that the records bear it out that the petitioner has kidnapped the victim girl.

At this juncture, the learned counsel for the petitioner has submitted that the victim girl is not a minor, as is apparent from her mark-sheet dated 26.06.2018, issued by the Bihar School Examination Board, Patna wherein, her date of birth has been recorded as 04.04.2002, thus a lenient view may be taken.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, apart from



having gone through the statement of the victim girl, made under Section 164 Cr.P.C. before the learned Magistrate, I find that the complicity of the petitioner in the present case is writ large, thus I do not find the present case to be a fit case for grant of bail, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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