

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40620 of 2020

Arising Out of PS. Case No.-231 Year-2018 Thana- AMARPUR District- Banka

Manoj Kumar @ Manoj Singh S/o Anuplal Singh R/o village- Kisanpur, P.S.-
Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Amarpur P.S. Case No. 231 of 2018, registered for the offence under Section 366(A) of the Indian Penal Code.

As per the prosecution case, on 01.05.2018 at about 12:00 noon, the daughter of the informant had gone to attend call of nature, but she did not return. Thereafter, the informant started searching her and in course of search, the informant came to know that his daughter was going towards Rajao in a tempo and as such, FIR was lodged against unknown.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. He has been dragged in this case due to family rivalry, since petitioner and informant are co-villager. It



is further submitted that the victim has been recovered from the house of co-accused Awadh Kishore Sahni, as per paragraph – 50 of the case diary. It is further submitted that during course of investigation, victim made her statement before the police and only material that has come against this petitioner is that this petitioner gave something to victim to eat and thereafter, took her in a tempo. There is no allegation of any sexual assault against this petitioner.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that victim in her statement recorded under Section 164 Cr.P.C. has specifically stated that this petitioner forcibly took her to Patna and committed rape upon her in a hotel and the age of the victim has been assessed as 16 years.

Considering the aforesaid facts & circumstances and the statement of the victim girl recorded under Section 164 Cr.P.C., in which, she has specifically made allegation against this petitioner of committing rape upon her, I am not inclined to grant him bail and same is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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