

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2782 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- BAKHARI District- Begusarai

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Gyanee Kumar Son of Birendra Poddar Resident of Village- Sukhasan, Police Station- Sidheshwar, District- Madhepura at Present resident of Himla Market Amardeep Cinema Hall Begusarai (Harrakh), Police Station- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Bakhari P.S. Case No. 10 of 2020, registered for the offence under Sections 366, 354(B), 342, 323, 506, 506/34 of the Indian Penal Code.

As per the prosecution case, on 17.10.2019 in the morning, when one Lovely Kumar (victim) alongwith her Nani had gone to pluck flower near temple and she was standing near road side, it is alleged that this petitioner alongwith three others came there and forcibly took the victim on bike and fled away.

It is submitted on behalf of petitioner that actually, there was love affairs between the petitioner and the victim and as such, they have solemnised marriage and were living as husband and wife and in support of the same, affidavits have been annexed with this petition, as Annexure 2 series. The



victim is major. It is further submitted that after lapse of three months of the alleged occurrence, the FIR has been lodged without any plausible explanation of delay. The petitioner is in custody since 16.01.2020, having no criminal antecedent.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that during course of investigation, the statement of the victim girl under Section 164 of the Cr.P.C. was recorded, in which, she has specifically taken the name of this petitioner and also alleged that this petitioner forcibly established physical relation with her.

Considering the nature of accusation and the statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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