

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3132 of 2022

Arising Out of PS. Case No.-202 Year-2018 Thana- SACHIVALAYA District- Patna

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Ramu Kumar @ Dinesh Kumar Son Of Jai Nandan Tanti Resident Of
Mohakka- Rajputana, Police Station- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with

Sachiwalay P.S. Case No. 202 of 2018, registered for the

offences punishable under Sections 366 (A), 504 and 506 of

the Indian Penal Code.

The prosecution case as emerging from the FIR is

that the alleged victim, who is 13-14 years old, was enticed

away by the accused-petitioner with intent to marry. The

alleged victim has also supported the prosecution case in her

statement under Section 164 Cr.P.C. in which she has also

alleged that she was sexually assaulted by the accused-



petitioner.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He further submits that in fact the alleged victim was not kidnapped rather she was confined by her parents. He also submits that there is no mark of violence as per the medical report and even earlier she had run away from her home. He further submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed.

The petitioner has been languishing in jail since 09.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved for grant of anticipatory bail before this Court vide Cr. Misc. No. 68506 of 2019.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the victim is only 13-14 years old and her



statement under Section 164 Cr.P.C. and medical examination support the case of the prosecution against the accused-petitioner.

Considering the aforesaid facts and circumstances, particularly the nature of the alleged offence and material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, if the trial is not concluded in the next six months, he may renew his prayer for bail.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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