

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3549 of 2022

Arising Out of PS. Case No.-417 Year-2018 Thana- PURNEA SADAR District- Purnia

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NISHANT KUMAR SON OF SHAMBHU PRASAD GUPTA Resident of
Village - Mahna, P.S.- Barauni, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Gulshan Ara @ Kajal D/o Md. Tabrez Alam Resident of Village - Barswauni, P.s.- Sadar, Distt.- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s :	Ms. Asha Kumari, Mr. Satish Chandra Mishra, MD. Nurul Hoda, Advocates

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 06-04-2022 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 363 and 365 of the Indian Penal Code.

As per FIR, the co-accused Pradeep Kumar is agent of Feno Bank and gave loan to many villagers and for recovery of the said loan, he along with Nishant Kumar (petitioner) went to the house of informant. On 24.07.2018 at about 01:00 p.m., while daughter of the informant was alone in her house, co-accused Pradeep Kumar, Shanni along with Nishant Kumar

(petitioner) came to her house and forcibly kidnapped her. Informant tried to contact with this petitioner and other co-accused but she could not contact with them. The accused persons threatened the informant on phone that if she would lodge a case then her daughter will be killed.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner. He has submitted that statement of victim girl has been recorded under Section 164 of the Cr.P.C. in which, she has stated that Pradeep, Nishant (petitioner) and Sanni had kidnapped her on gun point. Thereafter, the petitioner took her to Delhi and confined her in a room and also committed rape with her. Victim girl has also stated that she is a married woman and mother of two children.

Learned APP submits that petitioner is absconding from last more than three years.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

The interim relief granted vide order dated 09.02.2022
also stands vacated.

(S. Kumar, J)

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