

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5952 of 2022**

Arising Out of PS. Case No.-439 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

AKASH KUMAR Son of Madan Rai Resident of Village - Akilabad, Police  
Station - Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      05-09-2022      Heard learned counsel for the petitioner and learned  
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Hajipur Sadar P.S. Case no. 439 of 2021 instituted for the offence punishable under Sections 365, 363, 366, 354(A), 34 of the Indian Penal Code and section 8 of the POCSO Act.

It is a case of kidnapping the minor daughter of the informant by the co-accused Ratnesh Kumar in connivance with other accused persons including the petitioner. It is further alleged that accused persons have exploited her sexually.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no



offence. Petitioner is not named in the FIR. Victim girl was in love with co-accused Ratnesh Kumar and she left her house out of her own sweet will against whom there is specific allegation of kidnapping. After her recovery her statement was recorded under Section 164 Cr.P.C, in which it is clearly apparent that victim wants to save the main accused Ratnesh Kumar. Her age has been assessed between 17-18 years by the doctor.

Learned APP appearing for the State has opposed the prayer of bail and submitted that victim has made direct allegation of kidnapping and rape against the petitioner in her statement recorded under Section 164 Cr.P.C.. Apart from this petitioner has criminal antecedent of five cases.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of kidnapping and committing rape against the petitioner upon the daughter of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

**(Sunil Kumar Panwar, J)**

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