

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17212 of 2022

Arising Out of PS. Case No.-464 Year-2021 Thana- SHERGHATI District- Gaya

NITISH KUMAR S/o Jagarnath Paswan @ Janannath Paswan R/o- Mohalla
Garh, P.S. - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 366A/34 of
the Indian Penal Code and Section 8/12 of the POCSO Act, in
connection with Sherghati P.S. Case No. 464 of 2021.

The prosecution story, in brief, is that the
informant namely Md. Ismiel has alleged that his minor
daughter namely Sadaf Ismiel has been kidnapped by accused
Nitish Kumar on 28.07.2021 while she was out of her house and
co-accused Sonu Kumar, and Binay Paswan who is brother of
Nitish Kumar, helped him in this kidnapping.

In this case, case diary was received on 20.7.2022



which has since been received.

Learned counsel for the petitioner submits that he has falsely been implicated in the matter and is in custody since 2.8.2021.

Mr. Bharat Bhushan, learned APP on the other hand has taken this Court to the paragraph 50 of the case diary according to which it has been alleged by the victim girl that not only the petitioner forcibly made physical relationship, she was threatened to record on camera that she has come on her own otherwise she will again be thrashed.

Considering the kind of allegation that has come in course of investigation as also that the victim girl is minor, this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

Ravi/Ajay Singh

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