

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29106 of 2021**

Arising Out of PS. Case No.-214 Year-2018 Thana- TATARPUR District- Bhagalpur

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KANHAIYA KUMAR RAY @ KANHAIYA RAY Son of Sunil Ray @ Sunil Kumar Ray Resident of Village- Makandpur, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-02-2022 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Tatarpur (University) Police Station Case No. 214 of 2018, registered for the offences punishable under Sections 363/366-A of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that he abducted the daughter of the informant for oblique purposes.

Learned Counsel for the petitioner submits that the petitioner and the victim girl had love affair and the present First Information Report has been lodged by the father of the victim girl because the relationship between the petitioner and te victim girl was not to the liking of the informant. He further submits



that the age of the victim girl has been assessed between 17 and 19 years and the victim girl was recovered by the police on 10.12.2018 from Patel Chowk, Bhagalpur and her statement under Section 161 of the Code of Criminal Procedure, 1973 was recorded by the police on the same date, but this statement of the victim girl was changed in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, recorded on 14.12.2018. He, referring to Annexure-2 series, which are photographs of the petitioner and the victim girl, submits that it will substantiate the case of the petitioner that there was love affair between the two.

On the other hand, learned Additional Public Prosecutor, referring to the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, submits that the victim girl has categorically stated against the petitioner that the petitioner along with four other friends kept her in a room at Punjab, physically abused her against her will and the victim girl has vividly stated her plight.

Having heard learned Counsel for the parties and taking into consideration the statement of the victim girl recorded under Sections 161 as well as 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail



to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail
after the statement of the victim girl is recorded during the trial.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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