

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36814 of 2021**

Arising Out of PS. Case No.-780 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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BHOLA KUMAR Son of Devendra Thakur Resident of Village - Balughat,
Ward No.17, P.S.- Town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr. T. N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 25-01-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video
conferencing.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 366A/34 of the Indian
Penal Code, u/s 4/6 of POCSO Act and u/s 3(i) (r) (s) of SC/ST
Act.

As per the prosecution case, this petitioner along with
his friend kidnapped the minor daughter of informant for the
purpose of marriage.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. As a matter of fact there was love affairs between the



victim and this petitioner and the victim out of her own sweet will left her house and solemnized marriage with this petitioner at Muthupur Shiva temple on 29.11.2020. The victim girl has been medically examined and the doctor found her age between 16-17 years and, thus, Section 4/6 of POCSO Act is not attracted against this petitioner. Petitioner claims clean antecedent and is in custody since 02.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that victim in her statement u/s 164 of the Cr. P. C. fully supported the prosecution case and stated that this petitioner kidnapped her, gave her some intoxicating substance and committed rape with her and used to assault her. The victim was recovered by the police.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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