

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49220 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- KASIMBAZAR District- Munger

NITESH KUMAR @ CHIPPU Son of Manoj Yadav @ Manna Yadav
Resident of Village - Naulakha, P.s.- Kasim Bazar, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 506, 504, 366A, 120B of the Indian Penal Code and sections 8 and 12 of the POCSO Act.

As per the prosecution case, the petitioner and two unknown accused persons are said to have kidnapped the minor daughter of the informant on a motorcycle, for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The daughter of the informant returned and she was examined by the doctor and her age was assessed to be between 17-18 years. Her statement was recorded under section 164 Cr.P.C. wherein she has clearly given a tutored statement but has not made any



allegation of sexual assault. It is submitted that the complaint was filed after much delay of about two months of the alleged occurrence. Although the daughter of the informant is said to have been recovered on 27.6.2020, the statement under section 164 Cr.P.C was recorded on 15.10.2020. It was a case of love affair between the parties. The petitioner is in custody since 20.12.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the daughter of the informant having supported the allegation of kidnapping in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail in case there is no substantial progress in the trial in the learned trial court within six months of the communication of this order.

(Partha Sarthy, J)

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