

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51419 of 2021

Arising Out of PS. Case No.-234 Year-2020 Thana- ASHTHAWAN District- Nalanda

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MITHU KUMAR Son of Nagendra Prasad @ Nagendra Prswan Resident of
Village - Jiyar, P.S.- Asthawan, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 365 and 34 of the Indian Penal Code.

As per the prosecution case, the minor daughter of the informant was kidnapped by the petitioner and others.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C which has been discussed with in detail in the order of the learned Court below. Referring to the same it is submitted that the age of the victim has been assessed therein as 16 years. No overt act has been alleged against the petitioner. The petitioner is in custody



since 28.12.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that from the order of the Court below itself it would transpire that in her statement under section 161 Cr.P.C. victim has made categorical statement of the petitioner having committed rape on her. Further even from her statement under section 164 Cr.P.C. the facts that she is a minor and that she was kidnapped by the petitioner transpires.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the contents of the statement of the victim under sections 161 and 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 after framing of charge.

(Partha Sarthy, J)

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