

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56942 of 2021**

Arising Out of PS. Case No.-91 Year-2021 Thana- OBRA District- Aurangabad

MANTU KUMAR @ BHAIKAV Son of Bideshi Ram Resident of Village -
Parsa, P.S.- Obra, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Dr.Leelawati Kumari
For the Opposite Party/s :	Mr.Uma Shankar Prasad Singh
	Mr.Sanjay Kumar

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

3 12-05-2022

Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the
offence under Section 363 and 365 of the Indian Penal Code.

As per the F.I.R., this petitioner alongwith co-accused
Bideshi Ram kidnapped the minor daughter of the informant.

It is submitted on behalf of petitioner that though,
alleged occurrence is said to have taken place on 01.05.2021,
F.I.R. was lodged on 01.05.2021 and victim was recovered also
on the very same day, but her statement under Section 164
Cr.P.C. was recorded on 24.05.2021 and there is no explanation
for the same. Petitioner claims clean antecedent and he is in
custody since 06.05.2021.

However, learned counsel for the State and informant
vehemently opposed the bail petition. It is submitted by learned



counsel for the informant that the victim girl, in her statement recorded under Section 164 Cr.P.C., has specifically stated that this petitioner alongwith co-accused kidnapped her and thereafter, this petitioner forcibly established physical relation with her. The court below has assessed the age of the victim, as 15 years. It is further submitted that cognizance has also been taken by the court below under Section 376(D), 366(A)/34 of the I.P.C. and Section 6 of the POCSO Act.

Considering the aforesaid facts and circumstances as well as statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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