

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57340 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

Vishek Mahto @ Abhishek Kumar Son of Gauni Mahto @ Kantlal Mahto
Resident of Village - Parora, P.S.- K. Nagar, Distt.- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned senior counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 366(A), 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Leela Devi, that my grand daughter Gunjan Kumari aged about 15 years eloped on 01.02.2021 at 8:00 P.M. from her house. On search, the informant came to



know that the accused petitioner alluring her on the pretext of marriage has taken away. When she made complaint to the family members of the petitioner then she was abused by them and told her go from here otherwise they will kill her.

Learned counsel for the petitioner submits that even though the chargesheet has been submitted under Sections 366A, 376 of the Indian Penal Code and Section 4 of the POCSO Act and Section 9 of the Prohibition of Children marriage Act, 2006. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the statement of the victim recorded under Section 164 of the Cr. P.C. in which the victim has never said that she has forcefully taken by the petitioner. It appears from the medical report which suggests that *“(16-17 years) as an evidence of recent sexual intercourse vaginal”*.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with K. Nagar P.S. Case No. 83 of 2021 pending



in the Court of learned Chief Judicial Magistrate, Purnea.
Prayer is refused.

(Rajesh Kumar Verma, J)

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