

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59966 of 2021

Arising Out of PS. Case No.-584 Year-2017 Thana- DANAPUR District- Patna

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RAJNISH KUMAR @ TUNTUN KUMAR S/o UPENDAR SINGH R/o
VILLAGE-TULSI BIGHA, P.S- HULASGANJ, DISTRICT- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Sharma, Sr. advocate

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-03-2022 Heard learned senior counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 363, 365, 366A/34 of the
Indian Penal Code and u/s 8 of the POCSO Act.

As per the prosecution case, this petitioner along with
other accused persons kidnapped the minor daughter of the
informant.

It is submitted that petitioner is innocent and has
falsely been implicated in the case. From bare perusal of the
statement of victim recorded u/s 164 of the IPC it would appear
that entire prosecution case is absurd and highly improbable.
The victim was medically examined on 26.08.2017 and the
doctor assessed her age below 16.5 years and the doctor has not



expressed any opinion about commission of rape. It is further submitted that victim accompanied the petitioner for two days and went along with him to different places but she did not raise any alarm. Petitioner is in custody since 08.06.2021 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. specifically stated that this petitioner committed rape with her after administering sedative. The victim is minor.

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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