

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60065 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- DELHA District- Gaya

NIRBHAY KUMAR S/o Sudama Prasad R/o village- Jhitkiya, P.S.- Paraiya,
District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Delha P.S. Case No. 74 of 2021 for the offence registered under
Section 366A of the Indian Penal Code.

The allegation is regarding the petitioner having
kidnapped the victim girl.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 17.04.2021. The learned counsel for the
petitioner has referred to the statement of the victim girl made
under Section 164 Cr.P.C. before the learned Magistrate which
is annexed as Annexure-2 to the present petition to show that
she had voluntarily gone with the petitioner to Masaurhi and



then to Delhi, however, she has not alleged any untoward incident much less rape to have been committed by the petitioner. The learned counsel for the petitioner has further referred to the medical report, annexed as Annexure-3 to the present petition to show that the same depicts that there is no recent sign of sexual intercourse and moreover her age has been assessed to be 19 years i.e. major.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the victim girl has not alleged any untoward incident to have been committed by the petitioner herein, in her statement made under Section 164 Cr.P.C. before the learned Magistrate and moreover as far as the medical report is concerned, her age has been assessed to be 19 years apart from the fact that no recent sign of sexual intercourse have been found during the course of medical examination and the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.



Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Delha P.S. Case No. 74 of 2021.

(Mohit Kumar Shah, J)

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