

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66818 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- GOPALPUR District-
Patna

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MANISH KUMAR Son of Late Radhey Shaym Paswan Resident of
Abdullahchak, P.S.- Gopalpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Shekhar

For the Opposite Party/s : Mr.Murli Dhar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 20-09-2022

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 5533/2020 corresponding to Gopalpur P.S. Case No. 253 of
2020 registered for the offences under Section 366A/34 of the
I.P.C.

As per prosecution case, the victim went out of her
house to purchase some stationery materials and when she did
not return at home, victim was searched then the informant
came to know that petitioner who is nephew of Naresh Pawan of



the same village, eloped his girl to anywhere. It is further alleged that the mother of petitioner was also involved in fleeing away informant's daughter.

Learned counsel for the petitioner submits that petitioner is in custody since 09.06.2021 and bears no criminal antecedent. He further submits that there was sweet relation prevailing between the petitioner and alleged victim girl for long which was opposed by the informant on caste line. The victim has made contradictory statement under Section 161 and 164 Cr.P.C which creates serious doubt over the prosecution story. He further submits that during investigation police fail to record the statement of any single independent witness in support of prosecution.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is specific accusation against the petitioner to kidnap the informant's daughter. He further submits that the victim in her statement recorded under Section 164 of Cr.P.C states that the petitioner forcibly kidnapped and locked her inside the room.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with statement of victim under Section 164 Cr.P.C and also



taking into consideration the materials available on record, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of petitioner is hereby rejected.

If there is no substantial progress in proceeding of trial within nine months, petitioner may renew the prayer of bail.

(Alok Kumar Pandey, J)

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