

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1127 of 2022

Arising Out of PS. Case No.-486 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Ritesh Kumar Bharti @ Nitesh Kumar @ Nitesh Kumar Bharti, S/O Raju Bharti Resident Of Village- Lakadi Dahi, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-05-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366(A)/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 11.10.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and is aged about 21 years.

The learned counsel for the petitioner submits that the informant alleges that her minor daughter has been missing since 24.04.2019. Further alleges that Bablu Kumar along with his mother Banarsi Devi had enticed her daughter with an intention of marriage or can even kill.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The



victim has married with one Raju Chaudhary on 26.04.2021.

It is next submitted that though in the F.I.R., it is alleged that victim is a minor, but her age has not been disclosed, nor the police, during the course of investigation, has recorded the age of the victim as a minor. It is next submitted that even the F.I.R. is not under the POCSO Act.

Learned A.P.P. opposes the bail application and submits that the F.I.R. is not an encyclopedia, a mistake might have been committed by the informant. The trial is yet to commence. All these issues can be raised at the time of the trial of the case. It is next submitted that the victim in her statement under Section 164 of the Cr.P.C. has stated that she was taken by this petitioner along with one another to Mumbai where they sexually exploited.

Considering the submissions made by the learned Additional Public Prosecutor, I am not inclined to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner stands rejected.

(Satyavrat Verma, J)

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