

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5501 of 2023

Arising Out of PS. Case No.-571 Year-2021 Thana- SONEPUR District- Saran

SUNNY KUMAR Son of Dharmendra Rai R/V- Semra, P.s- Sonepur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sonepur P.S. Case No. 571 of 2021 registered for the offence under Sections 366(A) of the Indian Penal Code.

The daughter of the informant is alleged to have been kidnapped by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the victim was having love affairs with the petitioner and they have performed marriage to each other. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically



stated that she has performed marriage with the petitioner. She has also stated that she was pregnant at the time of recording of her statement under Section 164 Cr.P.C. Therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody 11.10.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of alleged occurrence. He further submits that consent of minor is no consent in the eye of law and the medical report of the victim suggest that she was having pregnancy of five months at the time of recording of her statement under Section 164 Cr.P.C. which established that the victim is subjected to raped committed by the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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