

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10361 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Rohit Sharma @ Rohan Kumar S/o Kishori Sharma R/o Village- Samsa, P.S.-
Nowkothi, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Nowkothi P.S. Case No. 49 of 2022 lodged under Sections
366A, 504, 506, 34 of the I.P.C.

As per the prosecution case, the allegation of
kidnapping of informant's daughter is there in the F.I.R. against
the petitioner and others.

Learned counsel for the petitioner submits that the
alleged victim has been recovered. Counsel submits that the
antecedent of the petitioner is clean and he is in custody since

30.04.2022. Counsel also submits that under Section 164 of Cr.P.C., the victim has disclosed by which it transpires that force has not been used upon her. Vide from the medical report, it has come that no opinion about recent sexual assault can be read as, patient has refused for external and P/V examination in presence of PSI.

Learned counsel for the State opposes the prayer for bail and submits that the alleged victim is minor, whereas counsel for the petitioner submits that victim has been found in between 17 to 18 years of age and, therefore, benefit would not be given to petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Begusarai in connection with Nowkothi P.S. Case No. 49 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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