

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16110 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- KHODAWANDPUR District- Begusarai

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ANSHU KUMAR @ KUMAR ANSHU Son of Sushil Sahni Resident of
Village - Meghaul, P.S. - Khodawandpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Vinay Singh, S/o late Rajeshwar Singh, R/o Vill+PO-Madhaul, Ward
No. 14 P.S.-Khodawandpur, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 03-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Khodawandpur P.S. Case No. 127/2020, POCSO Case No. 4/2021, registered for the offence punishable under Section 366(A) of the Indian Penal Code.

The allegation is regarding the daughter of the informant having been kidnapped in the night of 4.7.2020. Subsequently, the victim girl is stated to have been recovered and it transpired that the petitioner had kidnapped her, solemnized marriage with her and committed rape with her.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 4.12.2020. The learned counsel for the petitioner has further submitted that the petitioner has married the victim girl and he is ready to keep her.

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

I have heard the learned counsel for the parties and gone through the materials available on record as also perused the case diary in question from which it is apparent that the victim girl was kidnapped by the petitioner, who was then a minor and had committed rape with her, resulting in her becoming pregnant although the victim girl, in her statement made under Section 164 Cr.P.C., has stated that she had voluntarily fled from her home and solemnized marriage, whereafter she became pregnant. This Court had earlier issued notice to the victim girl,



however, despite valid service of notice, there is no representation on her behalf, hence, this Court has to consider the bail application of the petitioner on its own merits.

Considering the materials available on record, the complicity of the petitioner in the alleged crime is writ large, more so since the victim girl was a minor at the time the occurrence in question had taken place, hence, the petitioner cannot derive any benefit by taking a plea that the victim girl was a consenting party to the alleged occurrence, thus, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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