

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24316 of 2023

Arising Out of PS. Case No.-588 Year-2022 Thana- DUMRA District- Sitamarhi

Nitish Kumar Son Of Gagan Mahto @ Gagandev Mahto R/O Village-
Parasapatati Khajuriya, P.S.- Dumra, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act pending in the learned court below.

As per the prosecution case, petitioner is said to have kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that on 28.01.2023 the informant with his own signature and with the signature of his wife and alleged victim girl has filed a petition in the learned Court below mentioning therein that there is no hand of this petitioner in the alleged occurrence and victim girl along with her cousin sister



have gone at the house of her aunt but due to police pressure the victim girl has supported the prosecution case. He submits that there is compromise between the parties. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Dumra P.S. Case No. 588/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that there is compromise between the parties.

(Anjani Kumar Sharan, J)

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