

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26294 of 2023

Arising Out of PS. Case No.-134 Year-2020 Thana- BASANTPUR District- Siwan

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ASHUTOSH KUMAR @ ARVIND KUMAR @ ARBIND KUMAR SON
OF DEVNATH MAHTO @ DEONATH MAHTO Resident of village -
Babhnauli, P.S. - Basantpur (Lakdi Nabiganj O.P.), Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP.
Mr. Rajesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366A & 504 of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Offences Act.

3. Allegedly, petitioner along with other co-accused persons is said to have enticed the informant's daughter and took her away with him and when the family of the informant asked from the accused persons about her daughter, they were abused and threatened of dire consequences.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of five days in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that statement of the victim has been recorded u/s 161 Cr.P.C., in which she disclosed that she had gone to the house of her *mausi* without informing her parents but in the statement under Section 164 Cr.P.C. which has been recorded after 3 days of her recovery, she has entirely contradicted the date and time of occurrence. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the victim, who is minor, has stated in her statement u/s 164 Cr.P.C. that the petitioner used to establish physical relations forcibly everyday.

6. Considering the facts and circumstances of case, I



am not inclined to enlarge the petitioner on bail. The prayer
for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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