

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31333 of 2023

Arising Out of PS. Case No.-1024 Year-2021 Thana- KHAJANCHI HAT District- Purnia

MANISH KUMAR JHA @MONI JHA s/o Birendra Jha Resident of Village-
Kasari, P.S.- Antichak, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 366(A), 504 and 506/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner along with other co-accused persons is said to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that from medical report of the alleged victim, the doctor opined the the age of victim is above 20 years and there is no sign of rape at the time of examination. He submits that there is no specific overt act allegation against the



petitioner in the statement of victim recorded under Section 161 of Cr.P.C. and under Section 164 Cr.P.C. He further submits that the matter is related to love affair and both parties are major. He further submits that petitioner has got two criminal antecedents as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that from perusal of the academic certificate the date of birth of the victim girl is 25.03.2004 and the date of occurrence is 29.10.2021 which means the victim girl is a minor and the learned Judicial Magistrate also assessed her age as 17 years at the time of occurrence. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the victim is a minor, I am not inclined to enlarge the petitioner on bail in connection with K. Hat (Maranga) P.S. Case No. 1024/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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