

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34076 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- KUDHNI District- Muzaffarpur

RAJ KUMAR, Son of Ram Dyal Singh, Resident of Village - Bhadurpur
Goraul, P.s.- Goraul, Distt.- Vaishali, in connection with Kurhani (Turki OP),
P.s.- Case no.56/2022

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor, Advocate Ms. Jyoti Kumari, Advocate
For the Opposite Party/s	:	Mr. Suraj Narain Yadav, APP Mr. Masoom Alam, Advocate Ms. Sweta Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-01-2023 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 366 and 34 of
the Indian Penal Code.

As per the prosecution case, the informant states that
his wife disappeared and on inquiry it transpired that the
petitioner had taken her away. He states that the occurrence had
taken place few months ago also and the accused had made the
photographs of marriage etc and video as viral.

It is submitted by learned counsel for the petitioner
that the informant has raised an unfounded suspicion against



this petitioner. The alleged victim was recovered and in her statement recorded under section 164 of the Cr.P.C, although she named co-accused Sandeep Singh, the petitioner has not been named. The petitioner is in custody since 9.2.2022 and charge-sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is named in the F.I.R. There is specific allegation against him. In the statement under section 164 of the Cr.P.C, the victim has made categorical statement that she was forcibly taken away, threats were given that her objectionable video would be made viral and that she was raped. Learned counsel submits that in her statement under section 164 of the Cr.P.C, the victim had stated besides other facts that the petitioner forcibly married her. At the time of recovery of the victim in the State of Maharashtra, the petitioner was also arrested from the spot.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, the material that has transpired in course of investigation including the statements of the victim under sections 161 and 164 of the Cr.P.C together with the petitioner



having arrested at the spot at the time of recovery of the victim
in the State of Maharashtra, the Court is not inclined to enlarge
the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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