

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33701 of 2022

Arising Out of PS. Case No.-645 Year-2021 Thana- BARACHATTI District- Gaya

RAJIV KUMAR Son of Budhu Das @ Budhu Ravidas Resident of Village -
Bankat, P.S.- Mohanpur (Barachatti), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-01-2023 Heard learned counsel for the parties.

The petitioner has prayed for grant of regular bail in a
case registered under section 366A of the Indian Penal Code.

As per the prosecution case, the informant states that the
petitioner took away her 17 year old daughter for the purpose of
marriage.

It is submitted by learned counsel for the petitioner that
the petitioner has been falsely implicated in the case. The daughter
of the informant and the petitioner were in a relationship which
would be evident from the material that has transpired in course of
investigation and more specifically paragraph nos. 26 and 27 of
the case diary. With respect to statement under section 164 of the
Cr.P.C it is submitted that the same has been given by the
informant's daughter under coercion of her family members. The



petitioner is in custody since 22.4.2022 and has no criminal antecedent. It is lastly submitted that the trial has commenced in the learned trial court, and as per instructions received, the alleged victim is not appearing and not cooperating in the trial.

The application for bail is opposed by learned A.P.P for the State submitting that the alleged victim has supported the allegations in her statement under section 164 of the Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the nature of allegations especially the statement of the victim under section 164 of the Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

However, taking into consideration the contents of the statements of the witnesses under section 161 of the Cr.P.C especially paragraph nos. 26 and 27 of the case diary, the learned trial court is directed to expedite the trial, with further liberty to the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

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