

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47036 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Muntun Kumar @ Manibhushan Kumar, Son of Chandeshwar Thakur,
Resident of village - Gaura, P.S. - Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Sahebganj P.S. Case no. 301 of 2022, registered under sections 363, 366A and 34 of the Indian Penal Code to which section 376 of the Indian Penal Code and section 4/6 of the POCSO Act were added subsequently.

3. As per the prosecution case, the informant states that his minor daughter was kidnapped by the accused persons including the petitioner herein.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the F.I.R has taken place. There is an unexplained delay of 14 days in lodging of the F.I.R. The



daughter of the informant was recovered and her statement was recorded under section 161 of the Cr.P.C., wherein, she has not named the petitioner. The petitioner is named in the statement under section 164 of the Cr.P.C., however, no role has been assigned to him except for mentioning about his presence. The petitioner has no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation especially the petitioner being named amongst the accused persons involved in kidnapping of the minor daughter of the informant, which has been supported by the minor in her statement under section 164 of the Cr.P.C., the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

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