

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45876 of 2022

Arising Out of PS. Case No.-95 Year-2019 Thana- NATWAR District- Rohtas

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RAHUL SINGH SON OF LATE ABHIMANYU SINGH R/O VILLAGE-
DEWAL, P.S.- GAHMAR, DISTRICT- GAZIPUR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Natwar PS case no. 95 of 2019 instituted for the offences
punishable under Sections 363, 365/34 of the Indian Penal
Code.

The case of the prosecution in brief is that the
minor daughter of the informant was kidnapped by one Anju
Devi with the sole objective of solemnizing her marriage with
the petitioner, whereafter the petitioner had taken the victim
girl to Kanpur and had put vermilion on her forehead as also
had forcibly engaged in wrong doings with her.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 01.02.2022. The learned counsel for the petitioner has further submitted that the victim girl has been alleged to have been taken to Kanpur, hence, if she was forcibly taken to Kanpur, she could have very well raised an alarm but she did not do so, which shows the falsity of the prosecution story.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has referred to the statement made under Section 164 Cr.P.C.. before the learned Magistrate to contend that the victim girl was taken forcibly to Kanpur where the petitioner had put vermilion on her forehead and thereafter, he had established physical relationship with her. It is also submitted by referring to the medical report that the petitioner is a minor and her age has been assessed to be in between 17-18 years and moreover, the age of the victim girl has been mentioned as 17 years in her statement made under Section 164 Cr.P.C.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also those available in the case diary, this Court finds that the victim girl has specifically alleged that she was forcibly kidnapped and then the petitioner had forcibly put vermilion on her forehead and raped her, apart from the fact that the age of the victim girl has been found to be 17 years, thus, the complicity of the petitioner in the alleged crime is writ large from the records. Under such circumstances, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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