

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53958 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- CHIKSAUR District- Nalanda

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Kunnu Kumar @ Rajmani Kumar Son Of Ramayan Prasad @ Ramayan
Mahto, Resident Of At- Hasanpur, P.S.- Chiksaura, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-02-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chiksaura P.S. Case No. 12 of 2022 lodged under Section
366(A)/34 of the I.P.C. and later on Section 376 of I.P.C. and
Sections 4/6 of POCSO Act added.

As per the prosecution, the allegation of kidnapping
as well as rape and also in section POCSO is there in the F.I.R..

Learned counsel for the petitioner submits that the
entire F.I.R. is not correct and it has been categorically stated by
him in paragraph-5 that the alleged victim went with him with
full consent and presently residing with the petitioner happily



after marry. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 21.07.2022. Counsel further submits that in the medical report which is annexed as Annexure-2 the medical board has opined the age of the victim is between 16 to 17 years.

From the order sheet also it transpires that the victim in her statement u/s 164 of Cr.P.C. has categorically stated that she was forcefully kidnapped and wrong act has been done with her.

Learned counsel for the State opposes the prayer for bail.

In this view of the matter, I am not inclined to grant bail to the petitioner. Accordingly, the bail petition of the petitioner is hereby rejected.

Trial Court is directed to consider the case of petitioner, if the victim has adduced evidence in favour of the petitioner.

(Dr. Anshuman, J.)

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