

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54846 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- BASANTPUR District- Siwan

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SUNNY KUMAR Son of Suresh Mahato, Resident of Village - Korar
Basantpur, P.s.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with
Basantpur P.S. Case No.303 of 2022 registered for the offences
punishable under Sections 363, 366(A), 506 and 34 of the
Indian Penal Code.

As per the prosecution, the informant's minor
daughter aged about 16 years was kidnapped this petitioner with
the help of co-accused persons along with a cash of Rs.10,000/-,
gold jewellery worth Rs.50,000 and a suitcase full of clothes.

The main submissions advanced by the learned
counsel Mr. Ajay Kumar Tiwary for the petitioner are that as per
the FIR the alleged occurrence of kidnapping of the victim took
place on 20.6.2022 but the FIR was lodged on 01.07.2022 and



as per the allegation the victim was taken to Assam State but she did not make any protest which falsifies the allegation of her kidnapping and she is a major girl and the doctor concerned who examined the victim, did not find any sign of sexual activity or sexual assault to the victim and the statement of the victim given before the Judicial Magistrate was tutored and the petitioner has been languishing in jail since 02.07.2022.

Learned APP Mr. Sanjay Kumar Pandey appearing for the State has opposed the bail prayer.

Having considered the seriousness of the allegation which relates to kidnapping of a minor girl and the same has been supported by the victim herself before the Judicial Magistrate in her statement recorded under Section 164 Cr.P.C., in the opinion of this Court the petitioner does not deserve to the privilege of bail at this stage. Accordingly, his bail prayer stands rejected.

The petitioner may renew his bail prayer after framing of charge.

(Shailendra Singh, J)

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