

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63275 of 2022

Arising Out of PS. Case No.-574 Year-2022 Thana- BANKA District- Banka

KUNDAN KUMAR S/o Nawal Kishore Mandal R/o Village- Amarpur
(Chutiya) Tola Jamuwa, P.S.- Banka, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Md. Najmul Hodda, Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, A.P.P.
For the Informant	:	Mr. Md. Nurul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner assisted by Md. Najmul Hodda, Advocate, Md. Nurul Hoda, learned counsel appearing on behalf of the informant and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 21.09.2022 in connection with Banka P.S. Case No. 574 of 2022, F.I.R. dated 11.09.2022 for the offences punishable under Section 363 of the Indian Penal Code.

According to prosecution case, in brief, is that on 10.09.2022, the daughter of the informant, namely, Muskan Kumari aged about 22 years went to study in Dipraj Institute, situated in front of Chandan Talkies, Banka but she did not return. It is further alleged that the informant searched for his



daughter but she could not be tracked.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the entire matter as alleged in the F.I.R. is false and fabricated and in fact the victim was major and the allegation against the petitioner is not true.

The learned counsel appearing for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl which was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and he has made physical relation against her will.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Banka P.S. Case No. 574 of 2022 pending in the court of learned Chief Judicial Magistrate, Banka.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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