

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69646 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- NASRIGANJ District- Rohtas

NITESH KUMAR S/o Late Bharat Singh R/o Village- Shankarpur, P.S.-
Nasriganj, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Rupa Kumari, Advocate Mr. Yugual Kishore, Advocate
For the Opposite Party/s :		Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Nasariganj P.S. Case No. 15 of 2022 registered for the
offence(s) punishable under Section(s) 363, 366(A) of the
Indian Penal Code and Section 12 of POCSO Act.

As per the prosecution, the informant's minor
daughter aged above 16 years was kidnapped by this petitioner
and one Vikash Kumar and further it is alleged that the victim
made a phone call to the informant using this petitioner's phone
number.

The main submissions advanced by the learned
counsel for the petitioner are that in fact the so-called victim



was in love with this petitioner and she herself used to call the petitioner by using her mobile phone and in this regard Annexure - 3 showing details of calls made by the victim to the petitioner has been filed and some photographs showing the said love affair between them has also been filed vide Annexure - 2 and as per the medical expert's opinion, the victim's age has been assessed between 18 and 19 years. Further submissions are that the petitioner is a young person, aged about 22 years, as per the FIR, the date of occurrence is 30.01.2022 but the FIR was lodged on 03.02.2022 and just one day after the institution of the FIR, the victim returned back to her home and during investigation, victim's statements were recorded under Sections 161 and 164 of Cr.P.C. in which she made contradictory statements. Further submission is that petitioner has been languishing in jail since 11.10.2022 having fair and clean antecedent and against the petitioner, the investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's young age, his custody period and the fact that the victim has been recovered and against the



petitioner, the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Nasariganj P.S. Case No. 15 of 2022.

(Shailendra Singh, J)

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