

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69191 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Shashikant Kumar @ Shashi Kant Kamat, S/o Ram Udagar Kamat, Resident of Village- Surayahi Ramnagar, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/S

Versus

The state of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is not named in the F.I.R. and apprehending his arrest in connection with Ghoghardiha P.S. Case No. 23 of 2022 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code and Section 8 and 12 of POCSO Act.

The allegation against petitioner is to kidnap the minor daughter of informant, aged about 16 years for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely out of failed love



affairs as same was not accepted by the parents of the victim girl. It is also submitted that as per FIR admittedly victim was with her friend, which suggest only the false implication of this petitioner. It is further submitted that statement of victim as under Section 164 of the Cr.P.C. appears to be recorded under the influence of her parents and therefore same would not be taken into consideration. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP while opposing the prayer of bail submitted that victim after her recovery while recording statement under Section 164 of Cr.P.C. specifically named this petitioner and stated that after kidnapping her, this petitioner committed wrong.

Considering the aforesaid facts and circumstances and by taking note of specific allegation as regard to kidnapping and sexual assault against this petitioner, the prayer of anticipatory bail of petitioner is rejected herewith.

(Chandra Shekhar Jha, J.)

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