

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72646 of 2022**

Arising Out of PS. Case No.-58 Year-2022 Thana- GHORASAHAN District- East
Champaran

=====

ATISH KUMAR SON OF UPENDRA PRASAD R/O VILLAGE-
KAWAIYA, P.S.- JHAROKHAR, DISTRICT- EAST CHAMPARAN AT
MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

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

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

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

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 363, 366A/34 of the
Indian Penal Code and 8/12 of the POCSO Act.

Allegedly, petitioner, along with other accused persons,
kidnapped the informant's daughter for the purpose of marriage.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. no
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to previous enmity. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. It is further submitted that the statement of



the victim girl under Section 164 Cr.P.C. has been recorded in which she has not supported the prosecution case. She stated that she fled away and married with the petitioner with her sweet will. There is inordinate and abnormal delay of 37 days in lodging of the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submits that the victim girl was minor at the time of the incident.

Considering the facts and circumstances of case, as the victim girl was minor at the time of the incident, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

