

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3352 of 2023

Arising Out of PS. Case No.-60 Year-2021 Thana- KARJAIN District- Supaul

ANIL TIWARI Son of Ganesh Tiwari R/V- and P.O- Sutihara, P.S- Musahari
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 363, 366A/34 of the Indian Penal Code and charge-sheet has been submitted under Sections 363, 366A, 376, 120B/34 of the IPC and Section 4 of the POCSO Act.

The allegation against the petitioner along with others is of kidnapping the minor daughter the informant for the purpose of solemnization of marriage.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the victim is a major girl. The petitioner has not kidnapped the victim rather she had gone there at her own will and the informant was well aware with that. He further submitted that the statement given by the victim recorded u/s 164 of the Cr.P.C. has been given under the influence of her mother. Petitioner is languishing in judicial custody since 18.08.2022.

Learned APP for the State has opposed the application for bail and submitted that the victim girl has recovered and her statement recorded u/s 164 of the Cr.P.C., in which she specifically stated that this petitioner forcibly taken away to her Delhi and kept in a rented room and committed rape upon her. The victim girl stated that this petitioner kept there for one day, which corroborates the prosecution case as well as the statement of the victim girl recorded u/s 161 of the Cr.P.C. During investigation several witnesses have also supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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