

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39133 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- MEHSI District- East Champaran

Aman Kumar Son of Late Ramadhar Sahani Resident of Village - Bakhari
Najeer (NAJIR), P.S. - Mehsi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Ajay Kumar Singh, learned counsel for

the petitioner and Mr. Nitya Nand Tiwary, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.01.2024 in connection with Mehsi P.S. Case No. 412 of
2023, F.I.R. dated 29.12.2023 for the offences punishable under
Sections 363 and 366 of the Indian Penal Code.

3. According to prosecution case, this petitioner
kidnapped the daughter of the informant with an intention to
marry her.

4. 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
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offences as alleged in the
F.I.R. He further submits that it appears from the F.I.R. that the
date of occurrence is 19.12.2023 but the present F.I.R. has been



instituted on 29.12.2023 i.e. after delay of 10 days without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that there is direct and specific allegation against the petitioner that he along with other accused persons have kidnapped the victim. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner along with other accused persons have kidnapped her and also committed rape upon her.

6. Considering the nature of allegation as alleged in the F.I.R as well as the statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to enlarge the petitioner on bail in connection with Mehsi P.S. Case No. 412 of 2023 pending in the court of learned Chief Judicial Magistrate, East Champaran at Motihari.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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