

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48060 of 2024

Arising Out of PS. Case No.-610 Year-2023 Thana- RAJGIR District- Nalanda

Shiva Kumar Son of Karu Sao R/O Mohalla- Imadpur, P.S.- Bihar, Dist.-
Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Satyendra Sao Son of Laljeet Sao R/O Vill.- Malikpur, P.S.- Bihar, Dist.-
Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Ranjan

For the Opposite Party/s : Mr.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 23-09-2024 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Rajgir P.S. Case No. 610 of 2023 for the offences
punishable under Sections 366A of the IPC and Section 34 of
the Indian Penal Code.

3. As per allegation, the petitioner enticed away the
minor daughter of the informant.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. He has further submitted that the statement of the
victim recorded under Section 164 of the CrPC is under duress
of her parents. He has also submitted that the statement of the



informant made in the FIR itself a contrary to the statement of the victim recorded under Section 164 of the CrPC. He is under custody since 25.12.2023.

5. On the other hand, the learned APP for the State as well as the learned counsel for the informant have opposed the prayer for bail and submitted that the learned Magistrate while recording the statement of the victim under Section 164 of the CrPC as assessed her age as 15 years, which shows that she is prima facie minor. In her statement recorded under Section 164 of the CrPC, she has stated that she had friendship with the petitioner. The petitioner persistently requested her to accompany him otherwise, he would commit suicide. He brought her to Patna and committed rape upon her.

6. In my view, the petitioner does not deserve the privileges of bail, which is hereby *rejected*.

7. The learned trial court is directed to expedite the trial.

(Nawneet Kumar Pandey, J)

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