

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48720 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- ITARHI District- Buxar

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Rahul Kumar Son of Kamlesh Kushwaha @ Kamlesh Singh Resident of
Village - Purshotampur, P.S.- Itarhi, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Sunil Nat Resident of Village - Purshotampur, P.S.-
Itarhi, District - Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Itarhi P.S. Case no. 280 of 2023 registered under sections 363 and 363A of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that her 15 year old daughter disappeared and was not to be found inspite of search. She further states that she suspects the hand of one Nitish Kumar with whom her daughter was on talking terms. He has taken away her daughter.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He was falsely implicated in the case in course of investigation. The daughter of the



informant returned and her statement was recorded under section 164 Cr.P.C. There is no specific allegations so far as this petitioner is concerned. The petitioner has not concern with the alleged mobile number referred to in the F.I.R. In fact the grand father of the petitioner had died on 17.12.2023 and his father being out of station, he had performed the last rites and soon thereafter on 19.12.2023 he was falsely implicated in the case. The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the material on record it transpires that the daughter of the informant returned and her statement was recorded under section 164 Cr.P.C wherein the minor victim has named the petitioner among the accused persons and has made allegations of her mouth being taped and her being raped by the accused persons.

7. In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

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