

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72004 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- DULHIN BAZAR District- Patna

Rajiv Kumar S/O Bhuneshwar Singh R/O Village- Mahabalipur, P.S- Dulahin Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Douli Devi W/O Arun Kr. Prasad R/O Mahabalipur, P.S- Dulhin Bazar, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Special Case No.167 of 2024, arising out of Dulhin Bazar P.S. Case No. 40 of 2024, lodged on 19.02.2024, under Sections 363/365 of the Indian Penal Code but charge sheet has been submitted under Sections 366, 366A and 376 of the Indian Penal Code and under Sections 4 and 6 of the POCSO Act.

3. As per the prosecution, FIR has been lodged with allegation that daughter of the informant has been forcefully kidnapped by the petitioner.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that both are adjacent labourer and are well known to each other. He submits that it is basically a case of love- affair but false case has been lodged.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that FIR has been lodged under Sections 363 and 365 of the Indian Penal Code but charge sheet has been submitted under Sections 366, 366A and 3176 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act. Counsel submits that from the rejection order of the Sessions Court it appears that in her statement under 161 Cr.P.C. the informant has supported the event and upon recovery the victim has disclosed her statement under Section 164 Cr.P.C. in which she has disclosed that on pistol point she was kidnapped and the petitioner has developed forceful physical relation with her.

6. In this view of the matter, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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