

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83487 of 2023

Arising Out of PS. Case No.-334 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Amresh Kumar @ Amresh Rai, Son of Sri Satyanarayan Rai, R/o vill -
Morsandi Mathiya, P.S. - Motipur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Motipur P.S. Case No. 334 of 2021, lodged on 12.10.2021 under
Sections 366A of the Indian Penal Code and Sections 4, 6 and 8 of
the POCSO Act.

3. As per the prosecution case, the present FIR has been
lodged against three named accused persons including the present
petitioner alleging therein that the petitioner has eloped with the
sister of the informant with a view to do wrong things with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The sister of
the informant was major and whatever relation has been developed
between the victim and the petitioner, the same has been
developed with her consent, hence, there is no question of
kidnapping/abduction. The petitioner is accused in one more



criminal case, but in that case, he has been granted bail and he is in custody since 01.11.2023. The charge has already been framed.

5. Learned counsel for the State opposes the prayer for bail and submits that on earlier occasions, this Court has called for the case diary and 164 Cr. P.C. statement of the victim.

6. Upon perusal of the 164 Cr. P.C. statement of the victim, it appears that the victim has categorically alleged that rape has been committed upon her by this petitioner and she was forcibly confined in a room for 10 days. She only returned to her house with the help of a woman.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Motipur P.S. Case No. 334 of 2021, pending before the learned Special Judge POCSO Act, Court No.II, Muzaffarpur is hereby rejected.

(Dr. Anshuman, J)

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