

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5484 of 2024**

Arising Out of PS. Case No.-174 Year-2023 Thana- CHAUTHAM District- Khagaria

Bittu Kumar @ Sudarshan Kumar S/O- Subhash Singh R/O - Village -
Sonbarsha Ghat, P.s.- Chautham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Gauri Shankar Gupta
For the Informant : Mr. Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 05-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Chautham P.S. Case No.174 of 2023 registered for the offence
under Sections 366A/34 of the Indian Penal Code.

3. Allegation against the petitioner is to have
abducted the minor daughter of the informant for the perform
the marriage.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that there is delay



of 11 days in lodging FIR without having explanation. It is submitted that the daughter of the informant is major and she fled away with this petitioner out of love affair on her own sweet will and living as husband and wife. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 01.08.2023.

5. Learned APP appearing for the State duly assisted by learned counsel for the informant, opposes the prayer for bail of the petitioner and submitted that there is specific allegation against this petitioner.

6. In view of the submissions, as made above, as there is specific allegation against this petitioner as regard to kidnapping of the minor daughter of the informant, who was recovered during course of investigation and her statement was recorded by the Investigating Officer under Section 161 of the Cr.P.C. where, she stated that she was with this petitioner for two days and during that day this petitioner forcefully performed marriage with the victim and as the victim is minor aged about 16 years, where, the investigating officer has found the case true under Section 366A/376 of the IPC and Section 4 of the POCSO Act, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Ramesh Chand Malviya, J)

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