

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80518 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Kadirganj P.S. District- Nawada

Nitish Kumar S/O Vijay Prasad R/O Village- Loharpura, P.S - Kadirganj
(Nawada), District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Prasad S/O Late Suraj Mahto R/O Village- Vishunpur, P.S-
Kadirganj, Distt.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramadhar Shekhar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Kedar Yadav, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-02-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with
Kadirganj P.S. Case No. 45 of 2024 instituted for the offences
under Section 366 of the Indian Penal Code.

3. Accusation against the petitioner is that he took
away the daughter of the informant by alluring her. It is further
alleged that victim girl along with this petitioner were recovered
from a room at the second floor in the building of Central Bank
of India near Bus Stand, Nawada.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that there is a delay of two days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that victim in her statement recorded under Section 161 of the Cr.P.C. has stated that she was in love with the petitioner and was living with the petitioner on her own sweet will and there was no force given by this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that this petitioner made physical relations with her against her will. Learned APP further submitted that, police after investigation submitted charge-sheet under Sections 366/376 of the Indian Penal Code and 4/6 of the POCSO Act.

6. Considering the aforesaid facts and circumstances of the case, statement of the victim recorded under Section 164



of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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