

In the Court of Sanjay Agnihotri,
Judge Special Court,
Kapurthala
(UID No.PB0099)

CNR No. PBKP010039882024



Case No. BA/1643/2024

Presented on : 14-08-2024
Registered on : 16-08-2024
Decided on : 21-08-2024

Nitish Kumar aged about 25years, son of Chandan Yadav, resident of Bibi Ganj, PO Tamganj, District Araria, Bihar. Adhar card no.365885901984.

....Accused/applicant

Versus

State of Punjab

...Respondent.

FIR No.75 dated 28.07.2024
Under sections 127(6) BNS
Police Station Sadar Phagwara
District Kapurthala.

Application for bail under Section 438 Cr.P.C.

Present: Shri Narinder Kumar, Advocate for applicant/accused.
Ms. Reena Rani, Ld. Addl. P.P. for the respondent/State

ORDER:

1. This order shall dispose of an anticipatory bail application filed by the applicant-accused *Nitish Kumar* aged about 25years, son of Chandan Yadav, resident of Bibi Ganj, PO Tamganj, District Araria, Bihar on 14.08.2024 in case F.I.R. aforementioned.
2. Notice of the bail application was issued to the respondent State/complainant/victim and learned Additional Public Prosecutor for the

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State has contested the bail application. None has come present on behalf of complainant/victim to contest the bail application. Police record has been requisitioned and received.

3. It has been averred in the anticipatory bail application that the applicant is innocent, has nothing to do with the commission of alleged crime and has been falsely implicated in the case whereas no such occurrence ever took place. Nothing is to be recovered from him so his custodial interrogation is not required. However, being law abiding citizen he is ready to join the investigation.

4. The allegations of the prosecution as per statement of complainant Ruby wife of Vipin Yadav are that on 26.07.2024 her daughter/victim, aged about 14 years, left the house at about 4:30 a.m. without any intimation to her. Her daughter/victim was in contact of Nitish Kumar son of Chandan Yadav and Amit Kumar son of Vidiya Nand. She suspect that Nitish Kumar and Amit Kumar have allured and enticed away her minor daughter and have kept concealed her. Thus, FIR under section 127(6) of BNS was registered against the applicant and non applicant Amit Kumar.

5. During investigation, the victim suffered a statement under section 164 of Cr.PC before the learned Area Judicial Magistrate wherein she levelled specific allegations of enticing her away by the applicant and others and also of sexual violation by the applicant. Thus, vide DDR No.09 dated 06.08.2024 offence under section 351(2), 61(2), 67,

49,65(1),137(2), 190 of BNS and section 15,04 of POCSO Act and non applicants Mithun and Sumit have been nominated as accused in the case.

6. Arguments heard and record perused with the able assistance of learned counsel for the applicant/accused and Addl. Public Prosecutor for State.

7. As per the prosecution, custodial interrogation of the applicant is required for proper investigation with regard to the allegations levelled, and to unearth the truth in the version of the complainant as well as the victim. The allegations levelled in the FIR couple statement of victim under section 164 of Cr.PC are serious. No ground is made out for grant of anticipatory bail in favour of the applicant, as such the application for anticipatory bail of applicant is **dismissed**. Bail application be attached with the remand papers, if any, otherwise be consigned to the Judicial Record Room.

Pronounced in open Court:-
Dated: 21.08.2024.

Nirlep Kaur, Steno Gr.I

(Sanjay Agnihotri),
Judge Special Court,
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Arguments heard. Vide my separate and detailed order of even date, the present bail application filed by applicant/accused has been **dismissed**. Bail application be attached with the remand papers, if any, otherwise be consigned to the Judicial Record Room.

Pronounced in open Court:-
Dated:21.08.2024.

Nirlep Kaur Stenographer Gr.I

(Sanjay Agnihotri),
Additional Sessions Judge,
Kapurthala.(UID No.PB0099)