

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.12364 of 2016**

Arising Out of PS.Case No. -230 Year- 2015 Thana -MOKAMAH District- PATNA

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Sanjiv Kumar son of Ramnandan Das resident of Mokamaghat, Coal Siding
PS-Mokama, Distt-Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Mr. Arun Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

2 29-03-2016

Heard learned counsel for the petitioner as well as
learned APP for the State.

Mother of alleged victim had cast allegation against the
petitioner to have enticed away, Anjali Kumari aged about 16
years.

Putting reliance upon Annexure-2, a statement under
Section 164 Cr.P.C. of the victim, Anjali Kumari, it has been
submitted on behalf of petitioner that no allegation has been
attributed to the petitioner by the victim detrimental to her interest
either physically or mentally. Therefore, petitioner is entitled for
anticipatory bail. Furthermore, referring annexure annexed with
supplementary affidavit, it has been submitted that, actually, the
victim was being manhandled by her mother and being
apprehensive, she on her own, indulged under such activity.
Furthermore, victim had also put an allegation against her mother.
It has also been submitted that informant after deserting father of
alleged victim had contracted second marriage with one Amit

Kumar. Furthermore, it has been submitted that under the aforesaid unforeseen situation the victim had gone to the place of her grand-father, grand-mother instead of joining her mother, informant. So submitted that in the aforesaid facts and circumstances of the case, it happens to be a good case for grant of anticipatory bail.

Learned APP opposed the prayer.

For the present, neither any finding could be given over the annexures having been supplemented with supplementary affidavit. From the statement of the victim recorded under Section 164 Cr.P.C., it is apparent that petitioner is the persons who enticed away the girl, a minor. As such, I do not see it a fit case for grant of anticipatory bail. Prayer for anticipatory bail is rejected.

However, it is made clear that whenever, petitioner surrenders to the learned lower court and prays for regular bail, then the learned lower court will consider the other parts of the statement as is evident, without being prejudiced by the instant order.

(Aditya Kumar Trivedi, J)

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