

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15569 of 2017

Arising Out of PS.Case No. -197 Year- 2016 Thana -EKMA District- SARAN

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Abhinandan Prasad @ Chhotu Son of Kailash Prasad, Resident of Village-
Parsagarh, Police Station-Ekma, District-Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Adv.

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 18-04-2017 Heard both sides.

The petitioner apprehends his arrest in Ekma P.S.
Case No. 197/2016, registered for the offences punishable under
Sections 364, 366 and 34 of the Indian Penal Code.

The informant filed complaint case on the basis of
which the present F.I.R. was lodged. The informant alleged that on
05.10.2016 the petitioner and others kidnapped her daughter and
her one and half year old son.

Learned counsel for the petitioner submits that the
victim/daughter of the informant made her statement under
Section 164 Cr.P.C and she disclosed that she has been in love
with the petitioner for last 10 years. She was married to Vinod
Patel, but she was having physical relation with the petitioner and
she also got a child. She further disclosed that she was living with



the petitioner in Nazimabad, Haridwar. It is submitted that no offence under Sections 364 or 366 of the Indian Penal Code is made out in view of the statement of the victim.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner got the victim thrice aborted. The petitioner does not want to keep her.

Considering the facts aforesaid and the fact that of course the informant mother of the victim made allegation of kidnapping of the victim, but on perusal of the statement recorded by the victim under Section 164 Cr.P.C itself, it appears that she has been in love with the petitioner and her age is 25 years, she voluntarily have relation with the petitioner, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Saran at Chapra in connection with Ekma P.S. Case No. 197/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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