

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4037 of 2018

Arising Out of PS. Case No.-181 Year-2017 Thana- MANIGACHI District- Darbhanga

Baidyanath Paswan S/o Late Mauje Paswan, resident of Village- Raje, P.S.-
Manigachhi, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

Ms. Kusum Rani, Adv.

For the Opposite Party/s : Mr. Kumar Virendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 28-03-2018 Heard Ms. Kusum Rani, learned counsel, assisted by Sri
Ratnakar Jha, learned counsel for the petitioner and Sri Kumar
Virendra Narayan, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Manigachhi
P.S. Case No.181 of 2017 registered for the offence under
Sections 363, 366(A) of the Indian Penal Code, has prayed for
grant of bail, in the event of his arrest or surrender.

Learned counsel for the petitioner submits that it is a case
of false implication. She submits that the statement of the victim
after recovery recorded under Section 161 of the Code of
Criminal Procedure and her statement recorded under Section
164 of the Code of Criminal Procedure are contradictory. She
further submits that the victim's statement under Section 161 of



the Code of Criminal Procedure was recorded after her recovery, however four days after recovery, while the victim was with her mother, she was brought and her statement under Section 164 of the Code of Criminal Procedure was recorded. Accordingly, it has been argued that it is a case, in which the petitioner deserves to be enlarged on bail, in the event of his arrest or surrender.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail. He submits that earlier case diary as well as readable copy of the statement of the victim recorded under Section 164 Cr.P.C. was called for.

Besides hearing learned counsel for the parties, I have also perused the materials on record, particularly the statement of the victim recorded under Section 164 Cr.P.C. and after going through the same, I am of the opinion that it is not a case for grant of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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