

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1525 of 2018

Arising Out of PS. Case No.-36 Year-2017 Thana- AKBARPUR District- Nawada

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Suvidha Kumari @ Subidiya Kumari, W/o Prahalad Prasad, Resident of
Village- Derma, P.S. Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 366A/34 of the
Indian Penal Code.

The prosecution case got initiated with the filing of written
report of Binod Prasad to the effect that on 24.02.2017 in the
evening, one Swity Kumari came to the house of the informant
with whom daughter of the informant, Pammi Kumari, went to
visit temple for worship. When she did not return in the night,
on search the informant came to know that Ajay Kumar @
Chhotu Kumar, Switi Kumari, Juli Kumari and Ashok Saxena
have kidnapped the daughter of the informant for marriage
purpose. Though the petitioner was not named in the FIR, but



subsequently his name sprang up during investigation, when it was suggested that the petitioner has participated in the kidnapping of the victim. However, the final form was submitted against others, which has been brought by way of Annexure-2, which suggests that investigation against the petitioner and others has been kept pending.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. In the statement of the victim recorded under Section 164 of the Cr.P.C. she got her age recorded as 19 years, whereas, the learned Court below also assessed her age as such, wherein, she has stated that she is in love with Ajay Kumar and has performed marriage with him with her own sweet will, but maliciously the false case has been lodged by her father. The victim has not named the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. Thakur, learned APP for the State that the petitioner has also participated in the kidnapping of the victim.

Considering the fact that the petitioner is not named in the FIR, his name sprang up during investigation and the final form suggests that investigation is pending against him coupled with



statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Nawada, in connection with Akbarpur P.S. Case No. 36 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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