

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53450 of 2018

Arising Out of PS. Case No.-467 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rahul Kumar S/o Binod Kumar @ Deepak Kumar, R/o Vill-Panchu Garh,
P.S. Hima, District-Nawada at present resident of Mohalla-Kanhaul Naka,
Chaudhary Compound, P.S.-Mithanpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Goswami

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest in connection
with Town P.S. Case no. 467 of 2018 registered under Section
366(A) of the Indian Penal Code.

Petitioner is said to have kidnapped minor daughter
of the informant.

Learned counsel for the petitioner submitted that no
such occurrence as alleged ever took place. Petitioner has been
falsely implicated in this case. The victim in her statement under
Section 164 Cr.P.C. has herself stated that as her parents used to
mount pressure upon her to marry with other boy, she *suo motu*



eloped with the petitioner and performed marriage with him and she wants to live with the petitioner. She has not stated in her statement about commission of occurrence of her kidnapping by the petitioner.

On the other hand, learned APP opposing the bail prayer of the petitioner submitted that the victim is minor at the time of occurrence as evident from the impugned order and as per the statement of the victim herself, petitioner has performed marriage with her. Hence, petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below and seeks regular bail and learned court below shall dispose of the same in accordance with law without being prejudiced by the present order.

(Prakash Chandra Jaiswal, J)

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