

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.16137 of 2018**

Arising Out of PS.Case No. -290 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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Prince Raj @ Hira Das, S/o Shivji Das, R/o Village- Rupauli,  
P.S.- Bathnaha, Distt.- Sitamarhi.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Chaudhary, Adv.

For the State : Mrs. Pronati Singh, APP

For the Informant : Mr. Santosh Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2    10-04-2018                      Heard the learned counsels for the petitioner,  
informant and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bathnaha P.S. Case No. 290 of 2017, dated 28.09.2017, instituted for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

The petitioner is alleged to have kidnapped the minor daughter of the informant. She, in her statement recorded under Section 164 of the Cr.P.C., has supported the prosecution version of her having been kidnapped.

Mr. Alok Chaudhary, learned Advocate for the



petitioner has, however, submitted that there was an existing relationship between the petitioner and the daughter of the informant and the assertion of the informant that his daughter was a minor at the time of the occurrence is also incorrect. He has also submitted that the 164 Cr.P.C. statement made by the so-called victim girl, was only after she had remained with her parents for sometime. Mr. Chaudhary has, therefore, asserted that such statement has been made only on tutoring and is not her voluntary statement.

However, such grounds cannot be appreciated at this stage, *i.e.* at the stage of grant of anticipatory bail. This Court is not inclined to grant the petitioner the privilege of anticipatory bail.

The prayer for bail of the petitioner is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall take into account that the daughter of the informant had developed a relationship with the petitioner and the victim is almost on the brink of majority.

**(Ashutosh Kumar, J)**

Praveen-II/-

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