

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13189 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- SALIMPUR District- Patna

PAPPU RAI Son of Siddheshwar Rai R/o village- Lakhipur Bigha, P.S-
Sлимпur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar @ S.K.
For the State	:	Mr.Narsingh Tanti
For the informant	:	Mr. Ashok Kumar Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-07-2019 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Salimpur Police Station Case No. 195 of 2018, disclosing
offences under Section 366A of the Indian Penal Code.

The allegation against the petitioner is that the
petitioner, along with his son, Raushan Kumar, has kidnapped
the sister of the informant, aged about 15 years.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case inasmuch as the victim girl was in love with the son of the
petitioner and she eloped voluntarily with him. He further



submits that the statement, under Section 164 of the Code of Criminal Procedure, 1973, appears to be doubtful as she returned home on 17.08.2018 and her statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded after a gap of about 7 days, on 25.08.2018, in which she has stated that she has come to know that the petitioner along with his son, Raushan Kumar, and another persons, had kidnapped her. He accordingly submits that the statement of the victim girl appears to be doubtful as the same was not recorded immediately after she had returned home and he further submits that there was love affairs between the victim girl and the son of the petitioner and for that reason, the victim girl has been pressurized by her family members to make such kind of statement.

Learned Counsel for the petitioner has filed a supplementary affidavit, bringing on record the charge sheet submitted by the police against the side of the prosecution for the offences punishable under Sections 365/380/427/436/504/506/34 of the Indian Penal Code, in which the informant and his father has been chargesheeted.

Learned Counsel for the informant submits that the victim girl was minor, aged about 17 years, and kidnapping of a



minor girl for the purpose of marriage is a serious offence and the statement made by the victim girl, under Section 164 of the Code of Criminal Procedure, 1973, is clear in which the name of the petitioner and his son has specifically been taken by the victim girl and, therefore, the petitioner does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the facts that there appears to be dispute between the parties due to love affairs, i.e. between the victim girl and the son of the petitioner and the petitioner is the father of Raushan Kumar, who allegedly have the love affairs with the victim girl, this application is allowed.

Let the petitioner, Pappu Rai, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Barh, Patna, in connection with Salimpur Police Station Case No. 195 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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