

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57890 of 2019

Arising Out of PS. Case No.-202 Year-2019 Thana- WARISLIGANJ District- Nawada

1. Dilkhush Kumar, Son of Jhulan Prasad Resident of Village - Kumbhi, P.S.- Warisaliganj, Distt - Nawada.
2. Suraj Kumar Son of Sanjay Singh Resident of Village - Kumbhi, P.S.- Warisaliganj, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-10-2019 Heard leaned counsel for the petitioners and the leaned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Warisaliganj P.S. Case No. 202 of 2019, registered under Section 366(A)/34 of the Indian Penal Code, pending in the court of the Addl. Chief Judicial Magistrate-I, Nawada.

The accusation is that in the late evening of 23.06.2019, informant Mukesh Singh and his family members went to sleep in the room. In the morning his villager Dilkhush Kumar (Petitioner No.1) called on the mobile of his son Prince Kumar and informed that his daughter has fled away, while his son made further inquiry, but Dilkhush Kumar did not give any reply, thereafter, he also informed that his daughter has been kidnapped by Suraj Kumar.

Learned counsel appearing on behalf of petitioner



submits that it would appear from perusal of the case diary that the I.O of the case received information about presence of victim at Chandani Chowk covering her face then he went there and victim was apprehended there. In paragraph 46 of the case diary, witness Shashi Bhushan has stated that victim had love affairs with Suraj Kumar (Petitioner No.2) and due to that reason, she left her parental house according to her sweet will with petitioner No.2 Suraj Kumar. The statement of the victim recorded under Section 164 of the Cr.P.C. on 26.06.2019 (Annexure-2) in which she disclosed that she was kidnapped by both the petitioners and one Sarvesh @ Pukal and kept in a room and after knowing about the case, she was left near Police Station. The age of the victim has been assessed as 14 years at the time of recording her statement under Section 164 Cr.P.C.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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