

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63113 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- VAISHALI District- Vaishali

SANTOSH KUMAR Son of Deep Narayan Singh Resident of Village- Jarang
Rampur (Mali Tola), P.S.- Vaishali(O.P. Belsar), District- Vaishali.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. sunila Kumari D/O- Vinod Thakur Resident of Village and P.O.- Jarang
Rampur (Mali Tola), P.S.- Vaishali(O.P. Belsar), District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Chandra, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, Advocate
For O. P. No.	:	Mr. Umesh Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 20-11-2019 Heard learned counsel for the petitioner and learned
counsel representing the State as also learned counsel for the O.
P. No. 2.

The petitioner in the present case is seeking anticipatory bail in connection with Vaishali P.S. Case No. 385 of 2018 registered for the offences punishable under Sections 341, 323, 366(A), 406/34 of the Indian Penal Code.

Learned counsel for the petitioner has drawn the attention of this Court towards the supplementary affidavit which has been filed pursuant to the order of this Court. It is his submission that earlier the father of O. P. No. 2 had lodged Vaishali P.S. Case No. 103 of 2018 alleging kidnapping of the O. P. No. 2 but in the said case when the O. P. No. 2 made



statement under Section 164 Cr.P.C. stating that she had gone to the house of her maternal uncle and was not kidnapped by anyone, Police submitted a final form saying the case was based on mistake of fact.

Learned counsel submits that the present case has been lodged only as an after thought and it is evident from the materials on the record that Opposite Party No. 2 had herself gone with the petitioner and she being a major girl aged about 19 years the allegations now being made against the petitioner are false, concocted and baseless.

Learned APP for the State and learned counsel representing O. P. No. 2 have opposed the prayer of anticipatory bail.

Learned counsel representing O. P. No. 2 has taken this Court through the materials collected in course of investigation by Police and has produced before this Court a hand written note on stamp paper of this petitioner saying that this petitioner had married to opposite party no. 2. It is his submission that the petitioner was already married with three children and he had allured O. P. No. 2 to enter into the relationship after taking her away on the pretext of helping her in the intermediate examination. The victim girl returned after



about six months and she has narrated her ordeal to the Investigating Officer.

In the given facts and circumstances of the case, taking into consideration the totality of the facts and the manner in which the petitioner has been involved, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The application is dismissed.

In case the petitioner surrenders and prays for regular bail before the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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