

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.74547 of 2018**

Arising Out of PS. Case No.-243 Year-2018 Thana- MANJHAGARH District- Gopalganj

Sri Ram Prasad son of Dinanath Prasad, Resident of Village- Mishrauliya,  
P.S. Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raju Prasad

For the Opposite Party/s : Mr.Sri Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      10-01-2019                      Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as the learned counsel appearing on behalf of the informant.

Petitioner apprehends his arrest in Manjhagarh P.S. Case No.243 of 2018 registered under Sections 366A and 34 of the Indian Penal Code.

The mother of the victim alleged that the petitioner Sri Ram Prasad, Kamlesh Prasad and one unknown lady kidnapped her daughter in the night of 13.08.2018.

Learned counsel for the petitioner submits that the victim herself made her statement under Section 164 Cr.P.C. and she disclosed that while she had gone outside to attend the call of nature, Kamlesh took her to somewhere else. She has been in love with Kamlesh. She also disclosed that Sri Ram Prasad, the



petitioner was present there but she did not make any allegation of kidnapping against the petitioner. It is submitted that the victim was having love affairs with Kamlesh and she fled away with Kamlesh.

On the other hand, the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the victim was medically examined. The doctor found her hymen ruptured. The age of the victim was opined to be between 16 to 17 years. The victim also named the petitioner thus, the petitioner does not deserve anticipatory bail.

Having considered the fact that of course the mother of the victim made allegation against the petitioner, Kamlesh Prasad and a lady that they all kidnapped her daughter but the victim altogether gave a different story and disclosed that when she went to attend the call of nature, Kamlesh came and took her to different places and the fact that she of course disclosed that the petitioner was also present there but the victim did not make any allegation of kidnapping or accompanying the petitioner with her and Kamlesh Prasad, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of



this order be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gopalganj in connection with Manjhagarh P.S. Case No.243 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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