

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69830 of 2019

Arising Out of PS. Case No.-481 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. SANJEET KUMAR SINGH @ SANJEET SINGH Son of Rampujan Singh Resident of Village-Bhikhanpur, Police Station-Sadar, District-Muzaffarpur.
 2. Abhishek Kumar @ Bittu Son of Sanjeet Kumar Singh Resident of Village-Bhikhanpur, Police Station-Sadar, District-Muzaffarpur.
 3. Neha Kumari Daughter of Sanjeet Kumar Singh Resident of Village-Bhikhanpur, Police Station-Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rathore Vasundhara
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the IPC.

The prosecution case got initiated with the written report of Prem Chandra Jha submitted to the SHO, Sadar Muzaffarpur Police Station is to the effect that on 20.7.2019 at 1.30 P.M., 15-years-old daughter of the informant, namely, Muskan Kumari, a student of Class IX, went to her friend's house, namely, Neha Kumari but she did not return and ever since, she is traceless. It is alleged that co-accused Abhishek Kumar alias Bittu who is



classmate of the victim, in connivance with her sister Neha Kumari and the petitioner Sanjeet Kumar Singh, being the father of Abhishek have kidnapped the victim.

It is submitted by learned counsel for the petitioners that in her statement recorded under Section 164 of the Cr.P.C., the victim has got her age recorded as 15 years when the Court assessed her age as 14 years but in the said statement, she has denied the accusation of kidnapping and stated that she went to her paternal aunt's house and stayed there for nine days and a frivolous case has been lodged against the petitioner. It is further submitted that the medical examination of the victim has not been conducted and maliciously, the petitioners have been roped in the present case. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that the thrust of accusation is against co-accused Abhishek Kumar alias Bittu and the accusation of kidnapping has not been supported by the victim in her statement recorded under Section 164 of the Cr.P.C., coupled with the fact that petitioners are not having any criminal



antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Sadar (East) Muzaffarpur P.S. Case No. 481 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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