

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79704 of 2018

Arising Out of PS. Case No.-453 Year-2018 Thana- MUFFASIL District- West Champaran

Sunil Kumar Gupta S/o Chandrika Sah R/o village- Ahwar Sheikh,
Phulturwa, P.s. - majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 08-07-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection
with Bettiah Muffasil P.S. Case No.453 of 2018 registered under
Sections 366(A) of the Indian Penal Code, pending in the court
of the Chief Judicial Magistrate, Bettiah, West Champaran.

The accusation is that on 25.08.2018, Amisa Kumari,
aged about 16 years, the daughter of the informant, had gone to
Ram Dayal Higher Secondary School to collect the mark-sheet
and certificate. In the way, this petitioner, who is already
married and used to teach the daughter of the informant,
kidnapped the daughter of the informant giving allurements of



performing the marriage with her.

Learned counsel appearing on behalf of the petitioner submits that while the victim, the daughter of the informant, in her statement recorded under Section 164 of the Code of Criminal Procedure has stated about her kidnapping by this petitioner but, later on, he performed the marriage with the victim and also sworn an affidavit in this regard, which is part of the first supplementary affidavit filed on behalf of the petitioner.

On the other hand, learned counsel for the informant submits that, in fact, the petitioner is already married and, as such, there is no question to perform the marriage by the petitioner with the victim. Moreover, the victim in her statement recorded under Section 164 of the Code of Criminal Procedure, has supported the prosecution case and her age has been assessed to be 17 to 19 years.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered



by the trial court in accordance with law without being
prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

