

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10301 of 2020**

Arising Out of PS. Case No.-5 Year-2019 Thana- BIBIGANJ District- Kishanganj

Niraj Kumar Nishad alias Chhotu Nishad alias Neeraj Kumar Nishad about 21 years male Son of Dipak Kumar Nishad resident of Village - Tappu Tola Bibiganj, P.S. Bibiganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 28-09-2020 Heard Mr. Ram Prawesh Kumar , learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Bibiganj P.S. Case No. 05 of 2019 registered for the offence punishable under Section 363 / 366 (A) of the I.P.C.

The allegation against the petitioner as per the First Information Report is that the daughter of the informant, aged about 17 years, was kidnapped by the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch the victim girl is major and there was love affair between the victim



girl and the petitioner. Learned counsel referring to paragraph no. 9 of the bail application submits that the victim girl performed marriage with the petitioner. Learned counsel referring to the statement of the victim girl recorded under Section 164 of the Cr.P.C. submits that the victim girl in her statement has categorically stated that she has performed marriage with the petitioner on her own free will and without any coercion. Learned counsel further submits that the victim girl has declared her aged as 20 years before the learned Magistrate at the time of recording of her statement under Section 164 of the Cr.P.C.

Having regard to the submissions made by the parties, taking into consideration the materials available on record and the fact that the victim girl in her statement recorded under Section 164 Cr.P.C. has not stated anything against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Kishanganj / court concerned in connection with
Bibiganj P.S. Case No. 05 of 2019, subject to the condition as
laid down under Section 438 (2) of the Code Of Criminal
Procedure.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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