

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14583 of 2020

Arising Out of PS. Case No.-216 Year-2019 Thana- ASHTHAWAN District- Nalanda

MANTOSH KUMAR S/o Gariban Tanti R/o village- Nijampura, P.S.-
Asthawan, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma
For the Opposite Party/s : Mr.Akhileshwar Dayal
Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Asthawan P.S. Case No. 216 of 2019 for the offence punishable under Sections 363, 366/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 05.10.2019 at about 9:30 A.M., the daughter of the informant



had gone to Asthawan market for attending tuition classes, but when she did not come back, enquiry was made by the informant, whereupon it transpired that the co-accused person namely Pawan Kumar had taken away his daughter for the purposes of marrying her, after inducing her and the petitioner and other accused persons had also helped the co-accused person namely Pawan Kumar in kidnapping the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by referring to the statement of the victim girl made under Section 164 Cr. P.C. before the learned Magistrate that the victim girl has in fact made allegation against co-accused person namely Pawan Kumar, as far as establishing physical relation with the victim girl is concerned, hence, it is submitted that the petitioner is liable to be granted the privilege of anticipatory bail.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the statement made by



the victim girl under Section 164 Cr. P.C. before the learned Magistrate, this Court finds that the petitioner is also alleged to have kidnapped the victim girl and threatened her with dire consequence, hence the complicity of the petitioner in the alleged crime is writ large on the record, thus the present petition stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

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