

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17059 of 2020**

Arising Out of PS. Case No.-412 Year-2019 Thana- BARHARIA District- Siwan

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FAISAL ALI S/o Nausad Ali R/o village- Shahi Takia, P.S.- Barharia,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.
For the Opposite Party/s : Ms.Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 10-09-2020 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 Ms. Sharda Kumari, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Barharia P.S. Case No. 412 of 2019 registered for the offence punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.



The petitioner along with two other accused persons are stated to have kidnapped the daughter of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and he has not committed the offence as alleged. It is further submitted by referring to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate that the victim girl had voluntarily eloped with the petitioner herein, hence, it cannot be said that the petitioner had forced the victim girl to elope with her.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 materials available on record, it is apparent that the victim girl is minor, hence, her consent has got no value and it appears that the petitioner had allured her and eloped with her with



oblique motive instead of taking steps to hand over the victim girl to her parents, hence, this Court finds that the complicity of the petitioner is writ large on the records, thus, this Court does not find any merit in the present case. Accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

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