

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14462 of 2020

Arising Out of PS. Case No.-130 Year-2015 Thana- MADHEPURA District- Madhepura

MITHUN KUMAR Son of Radhey Sah Resident of Village - Balam Gadhiya,
P.S.- Madhepura, Dist.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-09-2020 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 Shri Md. Arif, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepura P.S. Case No. 130 of 2015 for the offence registered under Sections 366(A)/34 of the Indian Penal Code.

The case of the prosecution in brief is that the petitioner herein and four other accused persons are alleged to have kidnapped the minor daughter of the informant by alluring her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the



present case and he is having a clean antecedent. It is further submitted that a bare perusal of the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate would show that the victim girl had voluntarily gone to another village for participating in the *Puja* being held there and in fact no allegation has been levelled by the victim girl as against the petitioner herein or his family members regarding commission of any untoward incident.

Per contra, the learned A.P.P. 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 parties and taking into account the fact that the victim girl has not alleged any untoward incident or any sort of offence having been committed by the petitioner, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura P.S. Case No. 130 of 2015 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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