

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17134 of 2020

Arising Out of PS. Case No.-432 Year-2019 Thana- NAANPUR District- Sitamarhi

1. MANISH KUMAR @ MANISH YADAV Son of Ramadhar Rai Resident of Village - Nayatol, P.S.- Nanpur, District - Sitamarhi Pin No. 843333.
2. Prem Kanti Devi @ Premshanti Devi Wife of Manish Kumar @ Manish Yadav Resident of Village - Nayatol, P.S.- Nanpur, District - Sitamarhi Pin No. 843333.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Opposite Party/s : Mr.Naveen Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-11-2020 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.

At the outset, the learned counsel for the petitioners seeks to withdraw the present case *qua* the petitioner no. 1 since he has already been arrested by the police. Accordingly, the present petition *qua* the petitioner no. 1 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and Sri Naveen Kumar Pandey, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Nanpur PS case no. 432 of 2019 registered



for the offences punishable under Sections 363, 366(A)/34 of Indian Penal Code.

The case of the prosecution in brief is that the accused Vikram Kumar had kidnapped the minor daughter of the informant on 16.11.2019. The victim girl has stated in her statement under Section 164 Cr.P.C. before the learned Magistrate that the petitioners and their son had taken her to Darbhanga on a Bolero car and then to Muzaffarpur, whereafter the petitioner no. 1 and his son had taken her to Delhi by train, however the petitioner no. 1 had returned after arranging for a room for them. The victim girl has also alleged that the accused Vikram used to force himself upon her.

The learned counsel for the petitioner no. 2 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 that the main allegation is against the petitioner no. 1 and his son, as is apparent from the statement made by the victim girl under Section 164 Cr.P.C., hence the petitioner no. 2 be granted the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the main role in



kidnapping the victim girl is attributable to the petitioner no. 1 and his son, inasmuch as they are the person who had taken the victim girl forcibly to Delhi, I deem it fit and appropriate to admit the petitioner no. 2, who is a lady, to the privilege of anticipatory bail. Accordingly, petitioner no. 2, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-XIII, Sitamarhi in connection with Nanpur PS case no. 432 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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