

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22883 of 2020**

Arising Out of PS. Case No.-216 Year-2020 Thana- BANKA District- Banka

Manish Kumar, Son of Wakil Mandal, Resident of - Bhikha, P.S.- Bounsi,
District- Banka. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
Mr. Sanjeev Kumar @ Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-09-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Banka (Barahat) P.S. Case No. 216 of 2020 registered for the offences punishable under Section 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation as appearing from the First Information Report are that the wife of the informant was being troubled by this petitioner who was sending wrong messages to her and then exploiting her physically. It is alleged that on 14.03.2020 when she went out for easing out and did not return her home in night, the informant enquired about her whereupon the villagers told him that the wife of the informant had gone with one boy. The informant alleged that this petitioner had taken away his wife with intention to marry



her.

Learned counsel submits that at first instance the lady is major and she was married to the informant. She has returned home and in her statement under Section 164 Cr.P.C. she has stated that she was in love with this petitioner but at the instance of the parents she had solemnized marriage with the informant, thereafter this petitioner was pressurizing her. Apart from this she has not made any allegation of any physical exploitation and as such the allegations of physical exploitation made in the F.I.R. are only false, concocted and baseless.

In her further statement under Section 164 Cr.P.C. she has stated that one friend of this petitioner had abducted her and she is not aware of the name of the friend. He had taken her to Bhagalpur on a motor bike and from Bhagalpur he got the informant boarded on a train for Delhi and thereafter when she reached Delhi she did not find this petitioner. She claimed that she had made a call to the petitioner but he told her not to call him thereafter the wife of the informant came back from Delhi on her own.

Although Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but considering the submissions particularly the kind of statements made by the lady under Section 164 of the Cr.P.C. and that she is



major, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka (Barahat) P.S. Case NO. 216 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

