

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69245 of 2019

Arising Out of PS. Case No.-131 Year-2018 Thana- KALYANPUR District- Samastipur

PREM KUMAR MAHTO @ PREM KUMAR SINGH, Son of Ramakant
Mahto @ Ramakant Singh R/O - Ajana, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha- Advocate

For the Opposite Party/s : Mr. Murli Dhar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 13-07-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Kalyanpur P. S. Case No.131 of 2018 registered for the offences punishable under Sections 363, 366/34 of the I.P.C.

Informant claims that his daughter aged about 18 years was kidnapped by petitioner and others on 19.08.2018 and after that informant gave written report on 21.08.2018. Moreover, in course of investigation, victim herself appeared at Police Station on 11.10.2018, which is evident from perusal of Para-43 of the case diary. Subsequently, the statement of victim was recorded under Section 164 of the Cr.P.C. in which she



claimed that she was kidnapped by petitioner and others and she was made captive in a room, but after some days, petitioner brought her near Police Station and dropped her there and thereafter, she went to Police Station.

Learned counsel appearing for the petitioner submits that as a matter of fact, petitioner and victim were in love, but subsequently, victim under pressure and under influence of her parents, made false statement before the Court. He further submits that according to prosecution case, the victim was kidnapped from her house at 10.00 P.M. on 19.08.2018, but surprising enough that the informant gave written report on 21.08.2018 and no explanation regarding the aforesaid delay was given by the informant. He further submits that moreover, the statement of independent witnesses were recorded at Paras- 92, 93, 94 and 95 of the case diary and in the aforesaid paragraphs, almost all the independent witnesses supported this fact that petitioner and victim were in love. He further submits that admittedly, the victim was major at the time of alleged occurrence and according to statement of victim, she was dropped at Police Station by the petitioner.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory



bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P. S. Case No.131 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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