

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5359 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- SILAO District- Nalanda

VIKASH KUMAR Son of Phuddu Choudhary Resident of Village- Lodipur
(Raja Tola), Police Station - Khushrupur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Silao P.S. Case No.
114 of 2020 registered under Section 366(A)/34 of the Indian Penal
Code.

Allegation against the accused persons including the petitioner
is of kidnapping the informant's daughter for the purpose of
marriage.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has been made accused in the present case due to mistake of fact.
From perusal of order of learned Sessions Judge, it appears that the



victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded. It is further evident from the order of Sessions Court that the victim left house out of her own sweet will. The victim has solemnized marriage with the petitioner. Subsequently, a petition has been filed by the informant in the court below wherein he retracted from the statement made in the FIR. The said petition is Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Silao P.S. Case No. 114 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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