

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6208 of 2022

Arising Out of PS. Case No.-343 Year-2020 Thana- DHAKA District- East Champaran

GUDDU KUMAR YADAV SON OF JAWAHAR RAI R/O VILLAGE-
YADOPUR, BAKHARI, P.S.- DHAKA, DISTRICT- EAST CHAMPARAN
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363, 365,
34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
kidnapping of the minor daughter of the informant by the
petitioner and other accused persons.

Learned counsel for the petitioner submits that from
bare perusal of the FIR it would manifest that the date of
occurrence is 29.08.2020 and the FIR was instituted on
01.09.2020 i.e., after a delay of 2 days, it is next submitted that



the victim came back and her statement was recorded under Section 161 Cr.P.C. wherein she has not supported the prosecution case further, her statement was also recorded under Section 164 Cr.P.C. wherein she has made statement on the lines of her statement made under Section 161 of the Cr. P.C. that she was in love with the petitioner and had voluntarily eloped with him. Learned counsel next submits that though in the FIR it is alleged that victim is a minor but from perusal of her Aadhar Card at Annexure-2, it would manifest that her date of birth is 01.03.2002 and the present FIR came to be instituted on 01.09.2020, hence the victim by that time had attained majority. It is also submitted that since the victim herself has not supported the prosecution case as such no useful purpose would be served by sending the petitioner to jail.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Dhaka P.S. Case No. 343 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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