

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8546 of 2022**

Arising Out of PS. Case No.-304 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

MITHUN KUMAR @ MITHUN RAM, aged about 20 years (M), S/o  
Swaminath Ram, R/o village- Bahadurpur, P.S.- Mashrakh, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate  
For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-05-2022                      A supplementary affidavit has been filed on behalf of  
the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and learned  
counsel for the State.

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

The petitioner is apprehending his arrest in connection  
with Bhagwanpur Hat P.S. Case No. 304 of 2020 for the offence  
registered under Sections 366 and 366(A) of the I.P.C.

The prosecution story, in brief, is that while the  
daughter of the informant, namely, Rani Kumari, aged about 15  
years, was returning after purchasing articles from Maghar  
Bazar, on the way, Swaminath Ram, Binod Ram, Mithun Ram



(petitioner) and Singaria Devi forcibly kidnapped the victim and taken away from Bolero vehicle. When the victim did not return till evening, the informant and others started searching but she was not traced out. On 26.11.2020, in the morning, the informant came to know that the victim was at Bahadurpur. The informant and others went there and raised objection then the accused persons started abusing and threatened to kill them.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The victim has been recovered and her statement under Section 164 Cr.P.C. has been recovered. The said statement of the victim recorded under Section 164 of Cr. P.C. has been brought on record by way of filing of supplementary affidavit wherein she has stated that she had left the house out of her own will and got married with this petitioner and they are leading conjugal life happily. The allegation as made in the F.I.R. is not supported by the victim in her statement recorded under Section 164 of Cr. P.C.

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



Considering the aforesaid facts and circumstances of the case, let 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 304 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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