

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.9160 of 2022**

Arising Out of PS. Case No.-502 Year-2021 Thana- KAHALGAON District- Bhagalpur

RAJA ABHISHEK SINGH Son of Akhilesh Singh Resident of Village-  
Tiklujanj, Police Station - Kahalgaon, District - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Dixit Son of Jayshankar Dixit Resident of Village- Mahesha Munda, P.O.- Mahesha Munda, Police Station- Kahalgaon, District- Bhagalpur.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajendra Kumar Sharma

For the Opposite Party/s : Mr. Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

4      17-11-2022                      Heard learned counsel for the petitioner, learned counsel  
for the informant 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 366(A)/34 of the Indian  
Penal Code.

Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.

The informant alleges that on 07.08.2021 his minor  
daughter, aged about 17 years, had gone for tuition, after which  
she did not return home. It is further alleged that he got  
information that the petitioner with an intention to marry along



with Arvind Singh and Aman Kumar had kidnapped his minor daughter.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the victim was in love with the petitioner and thus had eloped with him and had married but the same was being opposed by the informant, as such, the present false case came to be instituted. Learned counsel next submits that from the tenor of the allegation as alleged in the FIR itself it would manifest that the informant alleges that his daughter was kidnapped with an intention to marry which further reenforces the fact that victim was in love with the petitioner. Learned counsel also submits that from perusal of the statement of the victim recorded under Section 164 Cr.P.C., it would manifest that she had disclosed her age as 21 years and her statement is such that it gives an impression that under parental pressure she has made the statement though she has made her best effort to vindicate the petitioner. Learned counsel further submits that the victim in her statement recorded under Section 164 Cr.P.C. has stated that on 07.08.2021 at 07:00 a.m. she had left her home for going to the tuition when on the way petitioner along with two unknown persons were standing along with their Scorpio and the petitioner threatened her to sit in the vehicle or she will be killed, though there was no weapon in his



hand but out of fear she sat in the car and thereafter she was made to drink a glass of water on which she became unconscious and thereafter on 09.08.2021 when she regained consciousness she was at her home with her mother and father. Thereafter, she came to know that with the help of police she was brought from the house of the petitioner. Further, petitioner was the friend of the victim in the college and he had some of her photograph and video on which he was pressuring her and blackmailing her for marriage and when she refused, the petitioner abducted her. Learned counsel next submits that it absolutely does not stand to reason that if the petitioner was having any objectionable material with respect to the victim then why he would pressurize her for marrying, this in itself demonstrates that the victim very subtly has tried to convey the correct thing but under parental pressure has not been able to make a categorical statement. It is next submitted that it absolutely defies all logic, wisdom and reasonable human behavior as to why the petitioner after kidnapping the victim would have kept her in his own house and thus would get implicated along with his family members, this amply demonstrates that the victim, who is a major, on her own volition had left her home but when her parents came to know she was called back home and was made to give the present statement.

Learned A.P.P. for the State and the informant opposed



the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that as to why the victim was described as a minor in the FIR when she is a major and has disclosed her age before the learned Magistrate as 21 years and also that when petitioner was having objectionable materials with respect to the victim then why he was pressurizing her to marry when the victim admits that they were friends from the college.

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 Kahalgaon P.S. Case No. 502 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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