

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9452 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MAHARAJGANJ District- Siwan

JITENDRA KUMAR @ JITENDRA SAH S/o Mahatma Sah @ Mahatm Sah
Resident of Village- Sultanpur, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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

2 05-09-2022 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 offence punishable under Section 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 25.12.2020, at about
10:00 a.m., her minor daughter had gone for coaching but did
not return and was missing. It is alleged that informant received
a secret information that her neighbour Pankaj Kumar is also
traceless, accordingly, the informant went to his house where the
accused persons informed her that Pankaj Kumar has enticed



her daughter away with the assistance of his father.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same is false, cryptic and vague. He further submits that Pankaj Kumar and the victim were in love and they eloped. He next submits that the victim has come back and her statement was recorded under Section 164 Cr.P.C. wherein she has supported the prosecution story but as far as this petitioner is concerned against him she has stated that he was driving the vehicle. Learned counsel also submits that had it not been a case of love affair then the FIR would have been instituted promptly as the date of occurrence is 25.12.2020 and the present FIR came to be instituted on 26.02.2021 i.e. after a delay of more than sixty days which amply demonstrates that prima facie it was not a case of kidnapping and it was within the knowledge of the informant that the victim along with Pankaj Kumar had eloped.

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.10,000/- (Rupees Ten 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 Maharajganj P.S. Case No. 58 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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