

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15698 of 2022**

Arising Out of PS. Case No.-524 Year-2019 Thana- SARAIYA District- Muzaffarpur

JITESH KUMAR Son of Ram Ishawar Sah R/o Village - Narayanpur, P.S.-
Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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

2 21-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 363(A), 366 and 34 of the Indian Penal Code.

The informant alleges that on 03.08.2019 at about 3:00 pm, his sister had gone to market to purchase cosmetic items and on the same day at 4:30 pm one Anil Ram informed the informant that three named accused, including the petitioner, along with three unknown have kidnapped his sister and took away in a white color Bolero vehicle, accordingly the informant along with his father reached at the place of occurrence where one Surendra Ram and Devlal Ram informed that they have witnessed the occurrence. It is further alleged that on



04.08.2019, the informant received a message on his mobile to deposit for Rs. 5 lakhs in the account of Bank of India and again on 05.08.2019 the same message was received.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, the petitioner and the victim were known to each other. It is also submitted that the victim has returned and her statement was recorded under Section 164 of the Cr.P.C. wherein she has supported the prosecution case but has not alleged that she was sexually exploited or any torture was committed though she has stated that the accused persons, including the petitioner, after one week left her at the bus stand and thus she came back. Learned counsel further submits that it absolutely does not stand to reason that if the petitioner would have committed the occurrence of kidnapping then he would have himself dropped the victim to the bus stand and thus would have created evidence against himself, it is next submitted that even from perusal of the allegations as alleged in the F.I.R. it does not manifest that any ransom was paid though it is alleged that a message came to deposit Rs. 5 lakhs in a particular account, it is thus submitted that no prudent person or criminal would ask for extortion by way of messaging and thus create



evidence against himself. It is next submitted by the learned counsel for the petitioner that from tenor of the allegation it manifests that the informant came to know that the victim was kidnapped on 03.08.2019 itself but then the F.I.R. came to be instituted on 07.08.2019 i.e., after a delay of four days without any plausible explanation which further creates doubt with regard to the veracity of the allegations.

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 Saraiya P.S. Case No. 524 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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