

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19149 of 2022

Arising Out of PS. Case No.-230 Year-2018 Thana- SURSAND District- Sitamarhi

CHANDAN KUMAR S/o Ramnarayan Ray R/o village- Sahaniyapatti, P.S.-
Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2022 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, 366(A) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the victim has come back and her statement was recorded under Section 164 Cr.P.C., wherein she has disclosed her age as 22 years and has not supported the case of the prosecution, the learned counsel next submits that the victim presently is staying with the petitioner at his house, as such the allegation of kidnapping as alleged by the informant stands falsified.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner and submits that though a specific statement has been made in the anticipatory bail application that the victim has not supported the case of the prosecution and has disclosed her age as 22 years but then the statement under Section 164 Cr.P.C. is not on record.

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 trial court 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 trial court where the case is pending/successor court in connection with Sursand P.S. Case No. 230 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court, before accepting the bail bonds, shall verify from the records with regard to the statement of the victim recorded under Section 164 Cr.P.C. and if it is found that she has not supported the prosecution case and has disclosed her age as 22 years or 18 years and above, then the present order shall be acted upon forthwith and, in the event, if it is found that the victim has supported the prosecution case,



then the present order shall not be acted upon.

(Satyavrat Verma, J)

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