

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37102 of 2022**

Arising Out of PS. Case No.-113 Year-2022 Thana- MAHARAJGANJ District- Siwan

ARVIND SAH @ ARVIND KUMAR GUPTA Son of Durga Sah Resident of
Village - Sihauta Bangra, P.S.- Maharajganj, District - Siwan, Bihar
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.
Mr. Satyendra Rai, Advocate

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

2 01-12-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 366A and 120B of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that her minor daughter aged about 16 years was
kidnapped with an intention to marry Chhotu with the help of
accused persons including the petitioner.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case, it is next
submitted that petitioner is uncle of the victim i.e. victim is the
niece of the petitioner, it is further submitted that it absolutely does
not stand to reason that as to why the relationship was concealed



in the F.I.R., it is also submitted that it appears that the informant intended to convey an impression that petitioner in league with Chhotu kidnapped her minor daughter when admittedly petitioner is also staying in the same house in which the informant is staying. It is also submitted that the mother of the petitioner had petitioned the *Sarpanch* with respect to a dispute relating to land in which the *Sarpanch* had issued notice to the informant and her husband, as such when her daughter eloped with Chhotu with whom she was in love, the informant took the same as an opportunity to implicate the petitioner also with a general and omnibus allegation that the victim was kidnapped by Chhotu in conspiracy with other accused persons including the petitioner.

Learned counsel for the petitioner next submits that victim came back and her statement under Section 164 Cr.P.C was recorded in which she has supported the prosecution case but from tenor of her statement, it would manifest that very subtly the victim has tried not to cast any aspersion on the petitioner.

Learned counsel for the petitioner further submitted that victim and Chhotu were in love and after coming back, again the victim has left her home for which a Complaint Case No. 944 of 2022 has been instituted by the present informant in the Court of learned Chief Judicial Magistrate, Siwan.

Learned A.P.P. for the State and learned counsel for the



informant oppose 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 the informant in the F.I.R has not disclosed the relationship of the petitioner with the victim, further also that the victim in her statement recorded under Section has not cast any aspersion against 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 trial court 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 trial court where the case is pending/successor court in connection with Maharajganj P.S. Case No. 113 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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