

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49135 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. Prince Kumar S/O Madan Singh Resident Of Village- Udwantnagar, P.S.- Udwant Nagar, District- Bhojpur.
2. Vicky Kumar S/O- Sunil Kumar Singh Resident Of Village- Udwantnagar, P.S.- Udwant Nagar, District- Bhojpur.
3. Manish Kumar S/O- Late Ram Pravesh Singh Resident Of Village- Udwantnagar, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Amrendra Kumar Singh- Advocate
For the Opposite Party/s :		Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2022 Heard learned senior counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 363, 365, 504, 34, 366, 120(B), 376/ 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 01.04.2021, his minor daughter had gone for coaching, but did not return. Accordingly, a search was made, but she could not be located. Thus, alleged that Mukesh



Kumar along with the petitioners have kidnapped his daughter along with 2-3 unknown accused as they had previously threatened him also.

The learned senior counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that the accused persons along with Mukesh Kumar kidnapped his minor daughter. It is next submitted that the victim was recovered and was found to be a minor, but before the police in her statement under Section 161 of the Cr.P.C., she has taken the name of Vicky Kumar (petitioner no.2) and Mukesh Kumar only, but in her statement recorded under Section 164 of the Cr.P.C., she had taken the name of all the accused persons. It is submitted that it was under parental pressure that she also taken the name of Prince Kumar and Manish Kumar in her statement recorded under Section 161 of the Cr.P.C. She had not even remotely suggested about them when she was recovered by the police. It is submitted that even presuming what has been stated in her statement under Section 164 Cr.P.C. to be correct, then the allegation of rape is against Mukesh Kumar. As far as these petitioners are concerned, she has stated that they had taken her away, but has not cast any aspersion on their conduct.



Learned A.P.P. opposes the bail application.

At this stage, the learned senior counsel for the petitioners seeks permission to withdraw the present anticipatory bail application.

Permission is accorded.

In the event, if the petitioners surrender by 15.07.2022, then the learned Court below shall dispose of their bail application on the same day keeping in mind that the victim has not cast any aspersion against them in her statement recorded under Section 164 of the Cr.P.C.

Accordingly, instant petition is dismissed as withdrawn with the aforesaid observation.

(Satyavrat Verma, J)

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