

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66645 of 2021**

Arising Out of PS. Case No.-130 Year-2021 Thana- SAMASTIPUR District- Samastipur

MD. GUDDU Son of Md. Aftab Resident of Village - Mathurapur Jhili
Chouk, P.S.- Mathurapur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

3 19-07-2022 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 and 366A of the Indian Penal Code read with Sections 17 and 18 of the POCSO Act.

Learned counsel for the petitioner submits that from tenor of the statement recorded under Section 164 Cr.P.C. of the victim it would manifest that the victim has not alleged that she was harmed in any manner though alleges that she was taken by this petitioner along with Vicky on the pretext that her father was ill. It is next submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant had alleged that his minor daughter was kidnapped by the accused



persons for the purposes of marriage. It is next submitted that even the statement of the victim though not supports the prosecution case but then at the same time does not allege also that she was in any manner harmed by the accused persons. Learned counsel further submits that victim was not recovered by the police rather she came on her own volition and thereafter her statement under Section 164 of the Cr.P.C. was recorded wherein she has stated that though the petitioner along with Vicky took her to Mumbai on the pretext of his father's illness by duping her but at Mumbai she met her brother and thereafter Vicky and Guddu fled after duping her of Rs. 30,000/-. Learned counsel thus submits that from perusal of the statement under Section 164 Cr.P.C. it also manifest that the victim had accompanied the accused to Mumbai where she met her brother hence it appears that the victim on her own volition left for Mumbai for meeting her brother with the accused but when she came back it appears that under parental pressure she was asked to depose in the manner it has been deposed under Section 164 Cr.P.C.

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. 5,000/- (Rupees Five Thousand) each 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 Samastipur (T) P.S. Case No. 130 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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