

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68262 of 2021

Arising Out of PS. Case No.-180 Year-2021 Thana- BHAGWANPUR District- Vaishali

Subodh Rai, Son Of Prithvi Ray Resident Of Village- Akabarpur, P.S.-
Bhagwanpur, District- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 363
and 366 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a young boy aged about 22 years and petitioner is a
person with clean antecedent and the informant alleges that on
10.08.2021, the petitioner came to her house at about 11.30 P.M.
and kidnapped her minor daughter at gunpoint and while
committing the occurrence, the petitioner threatened the
informant of dire consequences on account of which, she did not
go to the police station. It is next alleged that the father of the
petitioner assured that the girl would come back within two



days, as such, the informant waited for two days and thereafter, when the daughter did not return, the present F.I.R. came to be instituted.

The learned counsel for the petitioner submits that these days, it has become very easy to implicate an innocent person. It is next submitted that daughter of the informant and the petitioner were in love and the victim on her own volition eloped with the petitioner. It is next submitted that in the F.I.R., it is alleged that the victim was abducted at gunpoint, but from perusal of the statement of the victim under Section 164 of the Cr.P.C., it would manifest that she does not even remotely suggest that when she was kidnapped, her mother was also around. The learned counsel next submits that though the victim in her statement under Section 164 of the Cr.P.C. has supported the prosecution case, but then her statement has been made under parental pressure. It is next submitted that if what has been alleged by the informant in her statement under Section 164 of the Cr.P.C. is true, then why she refused to medical examination, this amply demonstrates that the victim was aware that in the event, if she is medically examined then her statement under Section 164 of the Cr.P.C. would stand falsified. The learned counsel next submits that the victim was assessed in



between 17-19 years, as such, she had reached the age of discretion and had willingly gone with the petitioner, but when she came back, she was made to give her statement under Section 164 of the Cr.P.C., it is next submitted that it absolutely does not stand to reason if the petitioner had kidnapped her daughter at gunpoint, then why the informant waited for the girl to come back on assurance of the father of the petitioner, this amply demonstrates that even the informant was aware that her daughter was in relationship with the petitioner.

The learned Additional Public Prosecutor opposes the anticipatory bail application, but is not able to rebut the submission made by the learned counsel for the petitioner that the victim at Para-48 of the case diary has clearly refused for her medical examination..

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwanpur P. S. Case



No.180 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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