

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59324 of 2022

Arising Out of PS. Case No.-8 Year-2017 Thana- RAJAOLI District- Nawada

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Raj Kumar @ Raja Kumar @ Raja Babu S/O Shyam Sunder Prasad Resident
of Village- Dhamu Chak, P.S.- Rajauli, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 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 Section 363 of the
Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her minor daughter went to bring her maternal
grandmother from Rajauli Bus Stand and thereafter she went
missing, thereafter it is alleged that a phone call came from
Mobile No. 8002045757 and the caller threatened not to search
the victim.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case, it is



next submitted that the victim has returned and her statement under Section 164 Cr.P.C. was recorded wherein she has not supported the case of the prosecution and has stated that she fell in love with the petitioner but since they did not belong to the same caste, as such the parents were opposing and thus she went to Ahmedabad with the petitioner and started living like husband and wife. It is next submitted that no doubt the victim, as per assessment of the doctor, was found to be in between 16-17 years and also disclosed her age as 16 years in her statement recorded under Section 164 Cr.P.C. but then she was capable of understanding the consequences of her action and thus she did not support the case of the prosecution in her statement recorded 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) 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 Rajauli P.S. Case No. 08 of 2017 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 of the petitioner shall verify the statement of victim recorded under Section 164 Cr.P.C. and if it is found that the victim has not supported the case of the prosecution, then the present anticipatory bail order shall be acted upon and in the event, if it is found that the victim has supported the case of the prosecution, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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