

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71880 of 2021

Arising Out of PS. Case No.-144 Year-2021 Thana- PARIHAR District- Sitamarhi

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UMESH KUMAR @ UMESH THAKUR Son of Ramswarath Thakur
Resident of Village - Sukki Mushharniya, P.S.- Parihar, Distt.- Sitamarhi
(Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr.Uday Pratap Singh, APP
For the Informant	:	Mr.Abu Nasar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-08-2022 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 363, 366(A), 380 and 34 of the Indian Penal Code read with Section 7 and 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the accused persons, including the petitioner, kidnapped his minor daughter and also fled with jewelry worth Rs. 20 lakhs for the purposes of marriage.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he



is own uncle of Rahul with whom the minor was in love. The learned counsel very fairly submits that no doubt Rahul and the victim were in love but then the victim was a minor, it is also submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that it is alleged that the accused persons kidnapped the daughter of the informant and also fled with jewelry worth Rs. 20 lakhs, it is thus submitted that it absolutely reflects that the victim was in love with Rahul and while eloping she eloped with the jewelries also, it is just not possible for so many accused to carry jewelry worth Rs. 20 lakhs without committing any loot as no prudent person keeps jewelry in open, it was the victim only who was aware as such while eloping she took the jewelry with her. It is next submitted that the victim has come back and in her statement recorded under Section 164 of the Cr.P.C. she has taken the name of Rahul and 6-7 other persons but has not named this petitioner.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that victim has not taken the name of the petitioner in her statement under Section 164 Cr.P.C.

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. 2,000/- (Rupees Two 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 Parihar P.S. Case No. 144 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Superintendent of Police, Sitamarhi is directed to personally investigate the case so that no innocent persons are implicated.

Let this order be sent to the Superintendent of Police, Sitamarhi expeditiously.

(Satyavrat Verma, J)

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