

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5985 of 2023

Arising Out of PS. Case No.-715 Year-2022 Thana- NAGAR District- Vaishali

VIKAS KUMAR @ MUNNA @ MUNNA KUMAR Son of Rampravesh Rai
R/o- Geyaspur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Hajipur Town PS case no. 715 of 2022,
registered for the offences punishable under Sections 365, 366
of the Indian Penal Code.

The case of the prosecution in brief, according to
the informant, is that on 20.09.2022 at about 11.30 am in the
morning, the daughter of the informant had gone to her friend's
house, however, when she did not return, search was made and
it transpired that the petitioner has kidnapped her.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case and is having a clean antecedent. The learned



counsel for the petitioner has further submitted that the victim girl and the petitioner were having a love affair and they have also solemnized marriage on 22.09.2022, hence, a sympathetic view be taken and the petitioner be admitted to the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the impugned order dated 15.12.2022 that firstly, the petitioner has admittedly kidnapped the victim girl and secondly, the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has stated that she was forced to go with the petitioner since he used to threaten to kill her brother, whereafter, the petitioner had taken her to Surat and then to his village, however, upon the victim girl disclosing her location, her mother, father and brother had arrived there and taken her back to her home and since then, she is staying with her parents.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the victim girl, in her statement made under Section 164 Cr.P.C. before the learned



Magistrate, has categorically stated that the petitioner had forcibly kidnapped her and taken her away, a *prima facie* case of kidnapping is definitely made out as against the petitioner herein, hence, the present case is not a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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