

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20917 of 2023**

Arising Out of PS. Case No.-204 Year-2022 Thana- MANIGACHI District- Darbhanga

ASHUTOSH KUMAR MISHRA Son of Late Tarakant Mishra R/V-  
Raghopur P.S- Manigachhi (Nehra O.P) Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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

2      26-06-2023                      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, 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy aged about 24 years and the informant alleges that her minor daughter aged about 15 years was kidnapped by Abhay and this petitioner on 23.09.2022.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case being friend of Abhay, it is next submitted that Abhay and victim were in love and they eloped and the elopement was in knowledge of



the informant, as such the F.I.R. came to be instituted after a delay of more than 11 days, it is further submitted that the date of occurrence is 23.09.2022 and the F.I.R. was instituted on 04.10.2022. It is further submitted that the victim and Abhay have married and they are leading a peaceful conjugal life and petitioner, being friend of Abhay, is running from pillar to post.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that Abhay has married the victim and both of them are leading a peaceful conjugal life, but then the same is not pleaded in the instant anticipatory bail application.

Learned counsel for the petitioner, at this stage, submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Manigachhi P.S.  
Case No. 204 of 2022 subject to the conditions as laid down  
under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of  
the case files an application before the learned Trial Court  
bringing to its notice that petitioner is not co-operating in the  
investigation or is not presenting himself as and when called for,  
the learned Trial Court shall be at liberty to cancel his bail bonds  
after recording reasons.

Let a copy of this order be sent to the concerned  
Police Station for its compliance by the learned Trial Court.

In the event, if at any stage the victim discloses that  
she was not married to Abhay, the present anticipatory shall lose  
its effect.

**(Satyavrat Verma, J)**

Rishabh/-

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