

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16931 of 2023

Arising Out of PS. Case No.-4 Year-2013 Thana- BANIAPUR District- Saran

1. Shailesh Kumar @ Alok Kumar Singh Son Of Parmeshwar Singh R/O Village- Bhumihara, P.S.- Baniapur, District- Saran
2. Gangu Kumar @ Vipul @ Vipul Kumar @ Sujit Kumar Singh Son Of Parmeshwar Singh R/O Village- Bhumihara, P.S.- Baniapur, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Baniapur P.S. Case No.- 04 of 2013, registered for offence under Section 366A/34 of the IPC.

The allegation is regarding the accused persons including the petitioners herein having kidnapped the victim girl.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present



case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted by referring to the impugned order dated 13.01.2023 that a bare perusal of the statement of the victim girl, made under Section 164 CrPC, before the learned Magistrate would show that the victim girl has stated that she had voluntarily fled away from her house on account of annoyance with her parents and had gone to Varanasi where she had lived for 15 days and then she had returned back. It is further submitted that no recent sign of sexual intercourse has been found on the victim girl, upon her being medically examined.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 CrPC, before the learned Magistrate, has not alleged any untoward incident to have been engaged in by the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District & Session Judge-1st, Chapra at Saran in connection with Baniapur P.S. Case No.-04 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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