

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23296 of 2023

Arising Out of PS. Case No.-15 Year-2021 Thana- BHADAUR District- Patna

UJALA KUMAR @ JAWALA KUMAR SON OF ADALAT PASWAN R/O
VILLAGE- DARIYAPUR (HATHIDAH), P.S.- HATHIDAH, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bhadaur P.S. Case No.15 of 2021, registered for offences punishable under Sections 363 and 366(A) of the IPC.

The petitioner is stated to have allured the victim girl and taken her away along with him.

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



counsel for the petitioner has further submitted that the victim girl is major, who had voluntarily gone away with the petitioner and solemnized marriage with him, whereafter they were staying happily as husband and wife at Surat. It is also submitted that the victim girl has also been recovered and her statement has been recorded, by the learned Magistrate, under Section 164 Cr.P.C., on 23.01.2023, wherein she has stated that she was having love affair with the petitioner, she had voluntarily left her home and gone with the petitioner on the alleged date and time of occurrence, whereafter she has solemnized marriage with him in a temple and was staying at Surat with him. It is thus submitted that the allegation of kidnapping qua the petitioner is false.

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 oral submission of the learned advocate for the petitioner, to the effect that the victim girl has been recovered and she, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has categorically stated that she had voluntarily fled away with the petitioner, solemnized marriage with him and was staying happily with him, as also has not been kidnapped by anyone, though I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however subject to verification of the fact, as to whether the victim girl has been recovered or not and further subject to verification of the contents of the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, by the learned Trial Court.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate-1st Class, Barh, Patna, in connection with Bhadaur P.S. Case No.15 of 2021, 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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