

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30552 of 2023

Arising Out of PS. Case No.-331 Year-2021 Thana- BARUN District- Aurangabad

MITHILESH SINGH @ CHHOTU S/o Late Kauleshwar Singh Resident of
village-Barun Khemda, P.S.-Barun, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363 and
366(A) of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.
4. The informant alleges that his brother's minor
daughter aged about 15 years, who stays with him, was found
missing from the house, thereafter, a search was made, but she
could not be located, later he received a call from the victim that
she has been kidnapped by the petitioner and taken to Jharkhand
with an intention to marry.
5. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the victim and the petitioner in love and they eloped, it is next submitted that it was at the insistence of the petitioner that the victim called the informant and informed him that she along with petitioner had gone to Jharkhand for the purposes of marriage, but the informant instituted the present FIR with an exaggerated allegation that the victim informed that she has been kidnapped. The learned counsel next submits that thereafter on the insistence of the informant, the victim returned and her statement was recorded under Section 164 Cr.P.C wherein she has stated that she was in love with the petitioner and willingly accompanied him, but under the pressure of the informant she also stated that the petitioner established physical relations with her. It is next submitted that the victim refused her medical examination, as such her age could not be assessed. It is also submitted that it is not a case under Section 376 of the IPC.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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. 20,000/-
(Rupees Twenty 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 Barun P.S. Case
No. 331 of 2021 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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