

Arising Out of PS. Case No.-318 Year-2022 Thana- KAMTAUL District- Darbhanga

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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, 366, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. The informant alleges that his daughter went to buy household articles but did not return, on search he came to know that his daughter was abducted by Vikram, Umesh and petitioner in a Scorpio vehicle, thereafter, he went to the house of Vikram where his family members abused and threatened.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been



falsely implicated in the present case, it is next submitted that the victim has returned and her statement was recorded under Section 164 Cr.P.C. wherein she has disclosed her age as 19 years. The learned counsel submits that he has a copy of her statement recorded under Section 164 Cr.P.C.

5. It is next submitted that from perusal of her statement recorded under Section 164 Cr.P.C. it would manifest that she has stated that Vikram and Sujeet gagged her and this petitioner came with his Scorpio and thereafter left them at *Mabbi* and thereafter Vikram took her to Bengaluru where she was confined in a room but somehow she managed to escape from Bengaluru and came back to Chapra railway station from where she called her brother and accompanied to his house, further one Hari Gupta is making her obscene pictures viral on Facebook and is also threatening to kill her family members.

6. The learned counsel next submits that from perusal of her statement recorded under Section 164 Cr.P.C. it would manifest that the same does not inspire confidence rather from her statement it appears that she was in love with Vikram and she willingly accompanied him to



Bengaluru and she does not even remotely suggest that she was assaulted either physically or sexually, it is also submitted that it absolutely does not stand to reason that as to why the victim did not disclose in her statement recorded under Section 164 Cr.P.C. that how she was taken to Bengaluru which casts an aspersion on the case of the prosecution.

7. The learned counsel further submits that even presuming what has been alleged is true without admitting then petitioner is not alleged to have committed any overt act with the petitioner and it might be a possibility that petitioner being friend of Vikram had helped the victim and Vikram in eloping but then victim is a major and under parental pressure has got her statement recorded under Section 164 Cr.P.C. supporting the case of the prosecution.

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

9. 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 Kamtaul P.S. Case No. 318 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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