

Arising Out of PS. Case No.-659 Year-2021 Thana- MAHUA District- Vaishali

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... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

2 31-07-2023

1. Heard learned counsel for the petitioner, learned
for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code.

3. The informant alleges that on 22.10.2021 at about 10:00 am, his neighbor Madhuri Devi had a quarrel with his wife with regard to marriage of his daughter (victim) thereafter on the same day at about 5:00 pm, his minor daughter was missing, accordingly a search was made but the victim could not be found, thus based on suspicion, the present F.I.R. came to be instituted against the accused persons.

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 petitioner is not named in the FIR, it is further submitted that it absolutely does not stand to reason that when the informant was aware that his minor daughter was missing on 22.10.2021, why the present FIR came to be instituted on 28.10.2021 i.e., after a delay of more than six days without any plausible explanation. It is next submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has stated that her mother had taken loan of Rs. 10,000/- from her neighbour and on account of said dispute, the son-in-law of the neighbour took her to her house and kept her for eight days and then left her to go back home, further stated that petitioner, Naval and Madhuri were also involved in taking her away. The learned counsel submits that similarly situated co-accused Gudi Kumari has been granted the privilege of anticipatory bail by order dated 16.09.2022 in Cr. Misc. No. 13415 of 2022 and the case of the petitioner is also similar. It is next submitted that even the statement recorded under Section 164 Cr.P.C. appears to be a tutored statement.

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

6. 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 Mahua P.S. Case No. 659 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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