

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36749 of 2023

Arising Out of PS. Case No.-476 Year-2020 Thana- BARH District- Patna

RAHUL KUMAR S/O DAYANAND YADAV R/O Vill. Budhnichak, PS.
Barh, Dist. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Swetabh, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Barh P.S. Case No. 476 of 2020, registered for the offences punishable under Section 366(A)/34 of the Indian Penal Code.
3. The case of the prosecution, in brief, is that on 26.12.2020 at about 6:00 A.M., the informant found that her daughter was missing from home, however, her Railway Medical Card and Aadhar Card were also missing, thus the informant thought that she might have gone to the Railway Central Super Speciality Hospital, Patna because her



treatment was being done at the said hospital, but when she did not come back to the house till late in the night, the informant and his family members started searching for her. It is alleged that on the next date i.e. on 27.12.2020, it transpired that the daughter of the informant has been kidnapped by the petitioner, his mother and his grand-mother for the purposes of solemnizing marriage.

4. 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 there is no eye witness to the alleged occurrence and the petitioner has been falsely implicated in the present case. It is also submitted that there is delay of two days in filing of the First Information Report.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail and has submitted that a bare perusal of the FIR would show that video and



screen shots were sent on the mobile phone of the son of the informant which clearly shows that it was the petitioner who has abducted the daughter of the informant, apart from the fact that the daughter of the informant has not been traced till date. It is also submitted by referring to the impugned order dated 27.02.2023 that the learned trial court has gone through the case diary which would show that many witnesses have supported the case of the prosecution and has stated that the petitioner along with his mother and his grandmother have kidnapped the victim girl.

6. 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 *prima facie* the complicity of the petitioner in the alleged occurrence is writ large from the records, apart from the fact that the victim girl has not been recovered till date, I do not find the present case to be a fit case for grant of



anticipatory bail, thus the present petition stands
dismissed.

(Mohit Kumar Shah, J)

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