

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37226 of 2023

Arising Out of PS. Case No.-751 Year-2022 Thana- MAHUA District- Vaishali

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ABHISHEK KUMAR S/O NARESH RAI R/O Village. Gorigama, PS.
Mahua, Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2023 Heard the learned counsel for the petitioner and the learned

A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Mahua P.S. Case No. 751 of 2022, registered for the offence punishable under Sections 363, 366(A) and 365/34 of the Indian Penal Code.

3. The allegation is regarding the petitioner having kidnapped the victim girl.

4. The learned counsel for the petitioner submits 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 referred to the impugned order dated 20.2.2023 to submit that the victim girl, in her statement



made under Section 164 Cr.P.C., has stated before the learned Magistrate that she has not been kidnapped by the accused persons and she is major, aged about 21 years.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and the victim girl has categorically stated, in her statement made under Section 164 Cr.P.C., before the learned Magistrate that she has not been kidnapped by the accused persons, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the 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 Chief Judicial Magistrate, Vaishali in connection with Mahua P.S. Case No. 751 of 2022, 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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