

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40119 of 2023**

Arising Out of PS. Case No.-197 Year-2022 Thana- MAHINDWARA District- Sitamarhi

RAVI KUMAR S/O KISHORI RAI R/O Village- Sugari, PS. Mahindwara,  
Dist. Sitamarhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Basant Kumar Tripathy  
For the Opposite Party/s : Mr. Ramesh Chandra

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      08-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363 & 366 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, the daughter of the informant was kidnapped by some kidnappers. The informant believes that her daughter will be either forced into illegal act or she will be killed by the kidnappers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the statement of the victim was recorded under Section 161 Cr.P.C. in which she has not supported the prosecution case but later on the statement of the victim was recorded under Section 164 Cr.P.C. in which she has



supported the prosecution case. He submits that petitioner is only holder of mobile no. 9330385763 from which the informant has received the call. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Mahindwara P.S. Case No. 197/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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