

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38072 of 2023

Arising Out of PS. Case No.-618 Year-2022 Thana- JOGAPATTI District- West Champaran

NIRAJ BAITHA Son of Akhilesh Baitha Resident of village - Chandraul
Ward No.- 1, P.S.- Nawalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur

For the Opposite Party/s : Mr. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2023 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 366 and 34 of the Indian Penal Code.
3. The informant alleges that on 12.11.2022, her daughter eloped with unknown persons in the night and in course of search she came to know that she eloped with Ratnesh along with ornaments and Rs. 30,000/-.
4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.
5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that no doubt the victim in her statement



recorded under Section 164 and 161 CrPC has not supported the case of the prosecution but then the said statements were made under parental pressure, it is also submitted that with regard to the petitioner, the victim in her statement recorded under Section 161 CrPC has stated that he along with Ratnesh came and when she had come out of the house she was taken forcibly by them to the bus stand from where Ratnesh took her to Chandigarh and the petitioner returned, it is next submitted that similar statement has been made in her statement recorded under Section 164 CrPC. Learned counsel further submits but then what has been stated by the victim in her statement recorded under Section 161 and 164 CrPC is compared with the allegation as alleged in the FIR, it gives a prima facie impression that the statements were made under parental pressure as the informant in the FIR alleges that she fled with Ratnesh after taking ornaments and Rs. 30,000/- in cash which amply demonstrates that Ratnesh and the victim were in love and they eloped, it is further submitted that it is not the case of the prosecution nor the victim in her statement recorded under Section 161 and 164 CrPC has stated that she was under any kind of threat but still she did not raise any alarm when she was being taken to Chandigarh from West Champaran. It is also



submitted that as far as petitioner is concerned, he being friend of Ratnesh came to be implicated.

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

7. 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 Yogapatti (Sanichari O.P.) P.S. Case No. 618 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

