

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38435 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

SHIVA KUMAR GUPTA @ SHIVA KUMAR Son of Om Prakash Gupta
Resident of Acharya Janki Vallabh Shastri Path, Chaturbhuj Asthan Mandir
Road, P.S. - Mithanpura, Muzaffarpur, Bihar - 842001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Ojha
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 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 363 and 366 of the Indian Penal Code later on Section 411 of the IPC was also added.

3. As per the prosecution case, the petitioner along with other accused persons kidnapped wife of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the informant's wife (kidnapped lady) was not recovered from the custody of the petitioner, rather she herself returned to her



home after few days, and she has again resumed her normal marital life with the informant. He further submits that the statement of the victim was recorded u/s 164 of the Cr.P.C., in which she has not supported the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and statement of the victim under Section 164 of Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ahiyapur P.S. Case No. 178 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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