

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39836 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- MAHNAR District- Vaishali

AKHILESH KUMAR S/O PRADEEP SINGH R/O Village- Sahdullahpur
Mahnar Road, PS. Ganga Bridge, Dist. Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2023 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 365 and 366(A) of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner is said to have kidnapped the sister-in-law (bhabhi) of the informant and till date she is not traceable.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner and victim married lady are closed relative. He submits that petitioner's name came on record on the basis of his mobile number as having call details



with the victim except this there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 victim is traceless till date. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the victim is traceless till date, I am not inclined to enlarge the petitioner on bail in connection with Mahnar P.S. Case No. 148/2022. 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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