

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40750 of 2023

Arising Out of PS. Case No.-78 Year-2021 Thana- DANIYAWAN District- Patna

HIRA YADAV S/O BALRAM SINGH R/O Village- Sikandarpur, P.S-
Daniyawa, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 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 363, 365,
34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The informant alleges that his minor daughter aged
about 12 years was found missing from her house on
25.06.2021, during search he came to know that she was seen on
a Tata Magic vehicle with Raju and petitioner was also present
in the vehicle.
5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is



next submitted that the victim, after coming to know that a case has been instituted, came back and got her statement recorded under Section 164 Cr.P.C wherein she has not supported the case of the prosecution, rather, has said that she, on her own volition, had left for Mumbai with Raju, it is also submitted that the victim has not even alleged, in her statement recorded under Section 164 Cr.P.C., that Raju committed any act prejudicial to her interest.

6. Learned counsel for the petitioner further submits that even presuming what has been alleged is true then the thrust of the allegation is against Raju and the petitioner is only alleged to have been seen by some witness that he was also present in the vehicle but then he had not accompanied the minor to Mumbai. Learned counsel, thereafter, very fairly submits that in the FIR, the age of the victim is disclosed as 12 years and the victim in her statement recorded under Section 164 Cr.P.C. has disclosed her age as 14 years and thus she is a minor though the impugned order records that the age of the victim to be 17 years. Learned counsel also submits that the case of this petitioner is on a much better footing than that of Raju. It is also submitted that Raju Gope had also approached this Court by filing Criminal Miscellaneous No. 19126 of 2023 which was



permitted to be withdrawn by order dated 28.07.2023 with certain observations. It is next submitted that it appears that the Court did not feel persuaded to grant the privilege of anticipatory bail to Raju on the ground that the minor herself had disclosed her age as 14 years.

7. Learned counsel for the petitioner, thereafter realizing his difficulty, seeks permission to withdraw the anticipatory bail application of the petitioner.

8. Permission is accorded.

9. However, it is made clear that in the event if the petitioner surrenders on or before 28.08.2023, his case shall be disposed of by the learned Trial Court on the same day keeping in mind the fact that the victim, though a minor, has not supported the case of prosecution nor has alleged that the petitioner accompanied her to Mumbai.

10. The Court expects that the learned Trial Court will keep in mind the tenor of the order recorded hereinabove.

(Satyavrat Verma, J)

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