

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44788 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Ramjinish Kumar @ Ramjinesh Kumar Son of Prabhu Sah, Resident of
Village- Bindvasani P.S.- Chhauradano (Mahuawa) Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-08-2023 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 323, 341, 342, 366A, 385/34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the present petitioner is that he had kidnapped the daughter of the informant alongwith other persons. When the informant's family reached at the house of petitioner, they refused to return the daughter of informant and started demanding Rs.5 lacs.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that the informant is major and she eloped with



a male with whom she is in love. He further submits that presently she entered into marriage and residing with the same male. He also submits that antecedent of petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that in the refusal order of the Session Court, it has come that in the statement recorded under Section 164 of Cr.P.C., the alleged kidnapped victim had disclosed against the petitioner that he alongwith unknown persons kidnapped her.

6. In response, learned counsel for the petitioner submits that present situation is that the marriage between the petitioner and alleged victim took place and they are residing together and presently the alleged victim is pregnant from the petitioner.

7. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Chhauradano (Mahuawa) P.S. Case No.58 of 2022 to the satisfaction of learned J.M. 1st Class, Motihari, Raxaul at Motihari.

8. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

9. However, the learned Court below shall consider



the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks upon calling the alleged victim girl and ascertain the fact and thereafter pass order on bail. It is directed to the court below that at the time of hearing regular bail, he shall be at liberty to grant interim bail till production of the victim girl before him and upon production within 60 days, the court below shall pass order on the same day.

10. The present order shall not cause any prejudice to the petitioner.

11. With this observation and direction, the present Cr. Misc. Application stands disposed off.

(Dr. Anshuman, J.)

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