

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53445 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- CHORAUT District- Sitamarhi

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Dharmendra Kumar Baitha @ Dharmendra Kumar @ Dharmendra Baitha
Son of Ramchandra Baitha Resident Of Village - Pipra P.S- Suppi, Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-07-2023 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,
366(A) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a young boy aged about 21 years having clean
antecedent and the informant alleges that on 16.05.2021 at about
5:00 pm, his daughter had gone to the house of Om Prakash
Pandit for grinding wheat but did not return and on search, the
informant came to know that named persons, including the
petitioner, kidnapped his daughter by a Scorpio vehicle, it is
next alleged that petitioner was seated in the Scorpio vehicle



from before.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner and the victim were in love and they eloped, it is further submitted that they have even performed marriage and thereafter the victim returned and her statement was recorded under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution rather has stated that she on her own volition left with the petitioner and they have performed their marriage also. Learned counsel next submits that from perusal of the FIR it would manifest that the date of occurrence is 16.05.2021 and the FIR came to be instituted on 24.05.2021 i.e. after a delay of nearly more than seven days which clearly demonstrates that the informant was aware that where his daughter had gone and with whom or else he would have promptly instituted an FIR had the victim been kidnapped. It is further submitted that even the age of the victim is not disclosed in the FIR, it is further submitted that the victim in her statement under Section 161 Cr.P.C. disclosed her age as 20 years, it is next submitted that in her statement recorded under Section 164 Cr.P.C. under parental pressure she had to record her age as 16 years though she did not support the case of



the prosecution. Learned counsel next submits that in the nature of allegation and the fact that the victim has not supported the case of the prosecution and there is dispute regarding her age, the petitioner is entitled for anticipatory bail.

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

6. 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 Court below 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 court below where the case is pending/successor court in connection with Choraut P.S. Case No. 48 of 2021 (G.R. No. 763 of 2021) subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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