

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49467 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- PHENHARA District- East Champaran

NITESH PATEL son of Upendra Raut Village- Matharwa Ps- Phenhara Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Phenhara Police Station Case No. 90 of 2022, dated 20.06.2022, disclosing offences punishable under Sections 363/366/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the daughter of the informant, aged about 18 years, was kidnapped by the petitioner for oblique motive.
4. Learned Counsel for the petitioner submits that there was love affair between the petitioner and the daughter of the informant, who was major at the time of alleged occurrence. He further submits that the daughter of the informant and the petitioner have performed marriage in a



temple, which would be evident from the affidavit (Annexure 2), duly sworn by both, the petitioner and the daughter of the informant, on 02.06.2022. Referring to paragraph 7 of this application, he submits that the statement of the daughter of the informant was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that she has voluntarily performed marriage with the petitioner and was never kidnapped by the petitioner.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement made in paragraph 7 of this application, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, at Motihari, in connection with Phenara Police Station Case No. 90 of 2022, subject to the condition laid down



under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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