

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52906 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- NOORSARAI District- Nalanda

PARMOD KUMAR Son of Vidha Chauhan Resident of village - Govindpur,
Vaildhari, P.S. - Noorsarai, Bihar Sharif, Distt.- Nalanda, Bihar Pin 803118

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navin Chauhan Son of Rajendar Chauhan Resident of village - Govindpur,
Vaildhari, P.S - Noorsarai, Bihar Sharif, Nalanda, Bihar, Pin 803118

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Danish Sami, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 06-12-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Noorsarai PS case no. 178 of 2022, disclosing
offences punishable under Sections 363, 365/34 of the Indian
Penal Code.
3. The prosecution story, as per the First Information
Report, is that the petitioner along with other accused persons
abducted the minor daughter of the informant, aged about 16
years.
4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case along with two



other accused persons, however both the accused persons have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.05.2023, passed in Cr. Misc. no. 46697 of 2022 and another analogous case. It is further submitted that the statement of victim girl namely Bidotma Kumari was recorded under Section 164 Cr.P.C., in which, she has disclosed her age as 18 years and has further stated that she had called the petitioner in the morning and the petitioner, as per her call, arrived at 4 am in the morning near her house and thereafter, the petitioner and the victim girl fled away and solemnized marriage in a temple.

5. Learned counsel for the State opposed the prayer for bail and submits that along with the victim girl Bidotma Kumari, her cousin sister Tilotma Kumari was also abducted, who, in her statement made under Section 164 Cr.P.C., has disclosed that she was administered some anaesthetics due to which she got unconscious and petitioner along with others abducted her on the alleged date of occurrence.

6. I have heard learned counsel for the parties. From perusal of the statement made under Section 164 Cr.P.C., it appears that Bidotma Kumari has not supported the prosecution story whereas a contradictory statement has been given by



Tilotma Kumari, who happens to be the cousin sister of the victim Bidotma Kumari. In view of the aforesaid, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate-VII, Biharsharif, Nalanda in connection with Noorsarai PS case no. 178 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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