

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52560 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

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DURGESH YADAV @ DURGESH @ KARTIK KUMAR @ KARTIK Son
of Arvind Rai @ Arvind Yadav @ Arvind Ray Resident of village - Tarwa
Ahir Toli, P.S. - Siwan Mufassil, Distt. - Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2023

1. No one appears for the petitioner.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Siwan Muffasil P.S. Case no. 476 of 2022 registered under sections 363 and 366A of the Indian Penal Code.

3. The sixteen year daughter of the informant who had gone out to purchase some article from the shop in the village did not return and it subsequently transpired that the petitioner had kidnapped her with the intention of marriage.

4. From the contents of the petition it transpires that the case of the petitioner is that he is innocent and has been falsely implicated in the case. There is an inordinate delay of 16 days in lodging of the FIR. Further from the contents of the



order of the learned trial court it transpires that the daughter of the informant returned and her statement under section 164 Cr.P.C. was recorded wherein she has given statement to the effect that she went with the petitioner out of her own volition. The petitioner has no criminal antecedent.

5. Heard learned counsel A.P.P. for the State.

6. Having heard learned A.P.P. for the State and having perused the material on record and taking into consideration the allegation in the FIR, inordinate delay of 16 days in lodging of the FIR together with the contents of the statement of the daughter of the informant recorded in course of investigation, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Siwan Muffasil P.S. Case no. 476 of 2022 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan.

(Partha Sarthy, J)

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