

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52234 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- KISHANPUR District- Supaul

RAMBABU BHAGAT, Son of Raj Narayan Bhagat, Resident of village -
Kumarganj, Ward no. 12, P.S. - Kishanpur, Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Kishanpur P.S. Case No. 63 of 2023 registered
for offence under Sections 366A, 504, 506 and 34 of Indian
Penal Code.

3. There is allegation of enticing away the minor
daughter of the informant, against the instant petitioner.

4. Drawing attention of the court towards the order
dated 12.06.2023 passed by learned Sessions Judge, Supaul,
rejecting the petitioner's anticipatory bail application, learned
counsel for the petitioner submits that the alleged victim girl
was examined under Section 164 Cr.P.C. wherein she has stated
about going on her own volition with the instant petitioner. The



victim in fact has expressed her intention and desire to reside with the petitioner. Even as per the school certificate, she was above 17 years of age and the petitioner is having no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the statement of the alleged victim under Section 164 Cr.P.C. regarding her going on her own volition with the petitioner, the fact that learned Sessions Judge order also does not record that she has otherwise been abused by the petitioner and having regard to her age above 17 years, as also clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, 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 the learned C.J.M., Supaul, in connection with Kishanpur P.S. Case No. 63 of 2023, subject to the conditions as laid down in Section 438(2)



of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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