

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52271 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- EKCHARI District- Bhagalpur

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FANTUSH KUMAR @ SURAJ KUMAR SON OF LATE YOGI MANDAL
RESIDENT OF VILLAGE - EKCHARI DIARA, P.S. - EKCHARI,
DISTRICT – BHAGALPUR Petitioner/s

Versus

STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Ms.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-08-2023 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 Ekchari Police Station Case No. 30 of 2022, dated 02.06.2022, disclosing offences punishable under Sections 366-A/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioner, with the help of his mother, kidnapped the minor daughter of the informant for the purpose of marriage.
4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which



she has stated that she has not been kidnapped; rather, she left her house voluntarily and performed marriage with the petitioner.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, mentioned in the impugned order, 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, Bhagalpur, in connection with Ekchari Police Station Case No. 30 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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