

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53734 of 2022

Arising Out of PS. Case No.-454 Year-2020 Thana- SONEPUR District- Saran

1. Nitish Kumar Son Of Jaykant Ray R/V- Bakarpur Nirpura, P.S- Rajapakar, Dist- Vaishali
2. Mithlesh Kumar Son Of Dharmnath Ray R/V- Sabalpur Chai Tola, P.S- Sonepur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mrs. Sharda kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 366A, 379 and 120B of the Indian Penal Code.

As per prosecution case, the petitioner and co-accused persons are alleged to have kidnapped the minor daughter of the informant aged about 17 years after inducing her and the co-accused persons also took away Rs. 1700/- and ornaments.



Learned counsel for the petitioner has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. Learned counsel has further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C has stated that she left her home on her own will and performed her marriage with the petitioner Nitesh Kumar. She has further stated in her statement that no one has kidnapped her. The victim has not stated the name of the petitioner No. 2. No case u/s 366A of the I.P.C is made out against the petitioners as they never compelled her to have sexual intercourse with another person.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Sonapur P.S. Case No. 454 of 2020, subject to conditions as laid down under



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

This application stands allowed.

(Chandra Prakash Singh, J)

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