

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54795 of 2023

Arising Out of PS. Case No.-391 Year-2022 Thana- SARAI District- Vaishali

Nitish Rai @ Nitish Kumar S/O Vijay Rai R/O Village- Mansoorpur, P.S- Sarai, Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the daughter of the informant.

4. Counsel for the petitioner submits that the petitioner is innocent and have committed no offence. Counsel further submits that the petitioner and the victim are in love affairs and both are major and for the purpose of marriage, they eloped. Counsel further submits that for the occurrence of 19.11.2022, the F.I.R. has been lodged on 03.12.2022 without explaining the delay in lodging of the F.I.R..

5. Counsel further submits that antecedent of the

petitioner is clean. Counsel submits that the learned Sessions Judge in his order recorded the age of the victim as 23 years

6. Learned APP for the State opposes the prayer for bail and submits that in the statement recorded under Section 164 of Cr.P.C., the victim has stated that she was raped by the petitioner. Counsel further submits that there is specific allegation against the petitioner.

7. In the facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Sarai P.S. Case No. 391 of 2022 to the satisfaction of learned Addl. Chief Judicial Magistrate-16, Vaishali at Hajipur.

8. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

9. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

10. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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