

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61597 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- BARAULI District- Gopalganj

Manish Kumar Son Of Manoj Sah @ Manoj Kumar R/O Rajvahi Colony
Ward No. 3, P.S. And Distt.- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 366-A/34 of the Indian Penal Code pending in the learned court below.

On 07.12.2020 at 11:00 a.m. accused persons named in the FIR have been kidnapped informant's daughter who is aged about 16 years for the purpose of marriage and on much persuasion the accused persons are not releasing his daughter.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the said Saloni Kumari escaped from her parent's house on her own will and resided with the petitioner on her own free will for more than three months



without any kind of inducement from the petitioner and thus the offence under Section 366A of IPC is not made out against the petitioner. He submits that Saloni Kumari, on her own will, fled away to Haryana to be with the petitioner even though the petitioner never asked her to do so. He further submits that under threat of her family gave statement under Section 164 Cr.P.C. she accepted that she stayed with the petitioner for three months. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation against the petitioner is that he has raped to the victim girl. Hence, he does not deserve anticipatory bail.

Considering the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail in connection with Barauli P.S. Case No. 09/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by



this order considering the fact that the victim girl has solemnized the marriage with other person.

(Anjani Kumar Sharan, J)

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