

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56438 of 2022

Arising Out of PS. Case No.-632 Year-2018 Thana- NAWADA District- Nawada

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Prawesh Kumar Son Of Shivnandan Paswan R/O Village - Sundara, P.S.-
Roh, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects, if any, within three weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 363, 366A
of the Indian Penal Code.

As per FIR, daughter of the informant went to
coaching but till 08.09.2018 she did not return.

Learned counsel for the petitioner submits that the
petitioner is innocent, not named in the FIR and has been falsely
implicated in this case due to suspicion. He submits that there is
no specific overt act against the petitioner. He submits that after
three days of the alleged occurrence, the victim was recovered
from Mirjapur then her statement under Section 161 of Cr.P.C.



was recorded by the IO in which she has said that her father and brother always used to chide her. He submits that she herself came at the house of her friend Chandni and was living there and when this fact was come into knowledge of the father of Chandni, he informed this matter before the police. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the victim is a minor girl and she has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Nagar (Nawada) P.S. Case No. 632 of 2018.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that there is contradiction in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C.



The application is accordingly, disposed of.

(Anjani Kumar Sharan, J)

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