

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61548 of 2023

Arising Out of PS. Case No.-902 Year-2022 Thana- SONEPUR District- Saran

SURAJ DAS SON OF RAJKUMAR DAS RESIDENT OF NEW ROAD
(BAG RAJ MANSINGH), P.S. - SONEPUR (HARIHARNATH O.P.),
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Niraj Kumar, Adv. Ms. Saloni Sinha, Adv.
For the State	:	Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with Sonepur (Hariharnath O.P.) P.S. Case No. 902
of 2022, registered for the offence punishable under Section 363
and 366(A) of the Indian Penal Code.

3. The accused persons including the petitioner herein is
alleged to have kidnapped the daughter of the informant for the
purposes of solemnizing marriage.

4. The learned counsel for the petitioner submits that the
petitioner is innocent, he has been falsely implicated in the
present case and he is having a clean antecedent. The learned
counsel for the petitioner has referred to the statement made by



the victim girl under Section 164 Cr.P.C., before the learned Magistrate, which is annexed as Annexure P/2 to the present petition, to submit that neither the victim girl has alleged that the petitioner had kidnapped her nor it has been alleged that any untoward incident was committed by the petitioner, whereas on the contrary, it has been stated by the victim girl that she had voluntarily gone to the fair and then to her aunt's place on the alleged date and time of occurrence. Hence, it is submitted that the petitioner is not having any complicity in the matter, thus, he may be granted the privilege of bail.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the victim girl has not levelled any allegation regarding her being kidnapped by the petitioner, in her statement made under Section 164 Cr.P.C., before the Ld. Magistrate, as also has not alleged regarding the petitioner having committed any untoward incident with her, rather she has said that she had voluntarily, on her own volition gone to the fair and then to her Aunt's place, I deem it fit and proper to admit the petitioner to the privilege of



anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur (Hariharnath O.P.), P.S.Case No. 902 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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