

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64362 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- SARAIYA District- Muzaffarpur

ABHAY KUMAR S/o Bhagneshwar Yadav @ Bhageshwar Ray R/o Village-
Basantpur Patti, Barha Tola, P.S.- Saraiya, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Saraiya P.S.
Case No. 121 of 2022 registered for the offences punishable
under Sections 363, 366(A) of the Indian Penal Code pending in
the Court of learned Additional Chief Judicial Magistrate, IV,
Muzaffarpur.

As per prosecution case, informant's daughter was
missing since she had gone to coaching. She alleged that the
petitioner has kidnapped her daughter.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
He submits that the petitioner was never seen with the victim



girl at the time of coaching. He further submits that the petitioner has got no criminal antecedent as mentioned in para 3 of the bail application.

Learned APP for the State opposes prayer for bail and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the statement of the victim under Section 164 of the Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today, seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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