

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65837 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- DHAMDAHA District- Purnia

Aman Kumar S/O Jaynath Sah Resident Of Madho Nagar, Ps. Bhawanipur,
Dist. Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Dhamdaha P.S. Case No. 52 of 2022, registered on 18.03.2023, for the alleged offence under Sections 363, 366(a)/34 of the Indian Penal Code.

03. As per prosecution case, the informant gave a written report about co-accused Prince Kumar who with the help of co-accused Gaurav Kumar kidnapped the minor daughter of the informant for the purpose of marriage and kept her confined at a secret place.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. but his name has



figured in this case during course of investigation as one of the participants in the occurrence on the basis of deposition of victim recorded under Section 164 Cr.P.C., but she has not alleged any overt act to this petitioner. Further, the victim was found major in her medical examination and the learned Magistrate while recording her statement also assessed her to be a major. There was no allegation of any sexual assault. Learned counsel further submits that co-accused Prince Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Criminal Misc. No. 7883 of 2023 and the case of the petitioner is on better footing. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of material against the petitioner without allegation of any specific over act and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Dhamdaha P.S. Case No. 52 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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