

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63637 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Mintu Ray @ Mintu Rai @ Mintu Kumar Son of Munna Rai @ Ram Kumar
@ Ram R/o village - Chaitya Tola Bastari, P.S. - Angarghat, Distt. - Samastipur
... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bibhutipur P.S. Case No. 108 of 2023 dated 22.03.2023
instituted for the offence punishable under Sections 366A of the
Indian Penal Code.

3. The prosecution case, in short, is that on
18.03.2023 at about 3.00 pm, when the daughter of the
informant was returning to home from Sakda Chauk, the
petitioner and other named co-accused persons forcibly got his
daughter boarded in the vehicle and kidnapped her, which was
witnessed by one villager. It is further alleged that next day, the
informant received a phone call that let his daughter be married
with him, otherwise he will face dire consequence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that during investigation, the victim has been recovered from Samastipur Bus Stand on 09.04.2023. On the next day, i.e. on 10.04.2023, the statement of the victim has been recorded under Section 164 Cr.P.C before the Judicial Magistrate. Learned counsel for the petitioner submits that victim in her statement, has stated that on 18.03.2023, she alone had gone to Hyderabad and got married with the petitioner. No one person has kidnapped her. Learned counsel for the petitioner further submits that the Judicial Magistrate has assessed the age of the victim as 18 years and the victim stated herself as 19 years old. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bibhutipur P.S. Case No. 108 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Additional Session Judge- VI cum Special Court, (POCSO) Act,
Samastipur, District- Samastipur subject to condition as laid
down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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