

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66643 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- ADAPUR District- East Champaran

Abhishek Kumar S/O Kriti Lal Patel R/O Village- Bhaluahiya, Ps. Adapur,
Dist. East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Adapur P.S. Case No. 86 of 2023 registered for the offences punishable under Sections 363, 365 and 366(A) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act. He has got a criminal antecedent vide Bettiah Muffasil P.S. Case No. 592 of 2022 registered under Sections 366(A) and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution story, on 15.03.2023 at 9:30 am informant's both daughters, who are minor, were going for their examination in the village middle school, in the meantime, this petitioner along with one Sunny Kumar abducted them on



the pretext of marriage. One month prior to the occurrence, these two accused persons had also taken a room of the informant on rent for carrying out a business.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both the victim girls have made statement under Section 164 Cr.P.C. which are contradictory in nature. It is stated that one of the victim girls has once again fled away from her house.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is stated that both the victim girls are in between thirteen and half years and fifteen and half years. In their statement under Section 164 Cr. P.C., they have stated that Sunny Kumar told them that he will drop them at a school and upon such assurance they sat on the motorcycle of Sunny Kumar, who is a co-accused. One of the victims stated that she stayed at a home for six days along with Sunny and this petitioner. It submitted that the petitioner has got one criminal antecedent of identical nature.

6. Having regard to the facts and circumstances of the case in which both the victim girls are aged between thirteen and half years and fifteen and half years and in their statement



under Section 164 Cr.P.C., they have supported the prosecution case and further that the petitioner has got one criminal antecedent of similar nature, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is refused.

7. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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