

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70099 of 2023**

Arising Out of PS. Case No.-318 Year-2022 Thana- KAMTAUL District- Darbhanga

BIKRAM YADAV @ VIKRAM YADAV S/O RAJKUMAR YADAV
VILLAGE- KARWA, PS. KAMTAUL, DISTT. DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 01-11-2023 Heard Mr. Kedar Jha, learned counsel appearing on behalf of the petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kamtaul P.S. Case No. 318 of 2022 registered for the offence punishable under Sections 363, 366, 341, 323, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., petitioner and other co-accused persons are said to have kidnapped the daughter of the informant and when the informant made complaint, he was abused and threatened.

4. Learned counsel appearing on behalf of the petitioner submitted that the Scorpio vehicle on which the daughter of the informant had been alleged to have been



kidnapped and taken away belongs to one Sujeet Gupta. The allegation against the petitioner is that of helping said Sujeet Gupta in alleged kidnapping of the daughter of the informant. Said Sujeet Gupta has been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Misc. No. 30594 of 2023 on the basis of the statement of the victim recorded under Section 164 Cr.P.C. that she was taken to Bengaluru. Learned counsel further submitted that there is strong case of eloping of the victim out of her own free will and after being tutored by the informant she may have alleged against the petitioner that the petitioner has kidnapped the victim.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that the victim was taken on the Scorpio of the co-accused Sujeet Gupta and she was further taken to Bengaluru along with other accused persons and after that she had returned on her own. Her statement was recorded under Section 164 Cr.P.C. and the same is not on the record, the District Court is directed to verify the statement of the victim recorded under Section 164 Cr.P.C. and if it is found that the



victim on her own free will had eloped with either of the accused persons named in the F.I.R. taking into considering that the vehicle on which the victim has been alleged to have been kidnapped belongs to co-accused Sujeet Gupta who has already been released on bail vide order dated 27.07.2023 passed in Cr. Misc. No. 30594 of 2023 and the District Court further finds on the basis of the material collected in course of investigation that the victim and the petitioner were in love relationship, petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 318 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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