

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.671 of 2023

Arising Out of PS. Case No.-124 Year-2015 Thana- KISHUNPUR District- Supaul

RAM SAH Son of Late Siyachran Sah @ Garib Sah R/V- Sahasram P.S-
Madhepura, Dist- Madhepura, at present residing at Sahasram, P.s- Patrghat
O.P (Sour Bazar) Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun,Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Kishanpur P.S.
Case No.124 of 2015, registered for offences under
Sections 363, 364, 366(A), 120(B)/34 of the I.P.C.

The allegation is regarding the daughter of
the informant having been kidnapped by the
accused persons, named in the F.I.R. on the alleged
date and time of occurrence.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has
been falsely implicated in the present case and he



is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, annexed as Annexure-2 to the present petition, that the petitioner has admitted that she was not kidnapped by anyone and in fact she had voluntarily left the house with one Mirtunjay Sah, with whom she had solemnized marriage and had gone to Delhi. As far as the petitioner is concerned, it is submitted that he is maternal uncle of Mirtunjay Sah, hence he has nothing to do with the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the statement made by the victim girl under Section 164 Cr.P.C, before the learned Magistrate, this



Court is of the *prima facie* view that the victim girl has not alleged that the accused persons had kidnapped her and in fact as far as the petitioner is concerned, there is no allegation whatsoever qua him, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Supaul in connection with Kishanpur P.S. Case No.124 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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