

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6757 of 2024**

Arising Out of PS. Case No.-446 Year-2022 Thana- GARKHA District-
Saran

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MUNNA DAS @ MUNNA KUMAR SON OF LATE RAM NARAYAN DAS
RESIDENT OF VILLAGE - KEWANI, P.S. - GARKHA, DISTRICT - SARAN AT
CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Vilochan Tiwary, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Garkha P.S. case No. 446 of 2022, disclosing
offences punishable under Sections 366A and 34 of the
Indian Penal Code.

3. As per the First Information Report, the
petitioner along with other co-accused persons are alleged
to have abducted the minor daughter of the informant on
09.07.2022 for the purpose of performing marriage with the
victim girl.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, has falsely been implicated in the present case due to a dispute regarding a drainage between the parties as the petitioner happens to be a next door neighbour of the informant. He further submits that the instant F.I.R. has been lodged after a delay of seven days on 16.07.2022, which creates doubt over the prosecution version. He further submits that the victim was not recovered by the police and she, in her statement recorded under Section 164 Cr.P.C., has stated that she was brought from Rajasthan by her father and she has also categorically stated that she has not subjected to any physical or sexual assault by the petitioner. The victim girl has also filed a petition before the Judicial Magistrate, Saran at Chapra stating therein that both the parties have settled their dispute outside the Court.

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

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are next door neighbourer and the victim girl has not been recovered by the police, coupled with the fact that the victim girl has categorically stated that



she was not exploited physically in any manner, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IV, Saran at Chapra in connection with Garkha P.S. case no. 446 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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