

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9753 of 2024

Arising Out of PS. Case No.-829 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Mukti Nath Singh Son of Dr. Madan Singh @ Madan Mohan Singh Resident
of Village- Akhlaspur, P.S.- Bhabhua, District- Kaimur(Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arabind Nath Pandey, Adv.
with Shruti

For the Opposite Party/s : Mr.Pradeep Narain Kumar,APP
Mr.Kumar Sunil, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-06-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The Petitioner apprehends his arrest in a case registered for the offences punishable under Section 366(A) of the Indian Penal Code.

3. The prosecution case, in brief, is that on 09.09.2023, the daughter of the informant namely Ritika Kumari went to attend coaching class, but she did not return and on search, it was found that she did not got to coaching centre, rather she fled away from the house with cash of Rs. 10,000/- and other testimonials with this petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that



from bare perusal of the F.I.R., it is apparent that the daughter of informant herself fled away from the house with cash and testimonials, which itself shows that there was no kidnapping, rather the victim herself left the house with her own sweet will. The victim girl, in her statement recorded under Section 164 Cr.P.C., has not alleged anything wrong against this petitioner. He further submits that the victim remained with this petitioner in Delhi for about one month, but at no point of time, she made any complaint or protest and on 09.10.2023, she came at Mohania and her statement was firstly recorded by the police under Section 161 Cr.P.C., in which, she has stated that she wanted to study further, but her parents wanted to marry her and due to quarrel with her mother, she left the home. The statement of the victim recorded under Section 161 Cr.P.C. and under Section 164 Cr.P.C. in respect of manner of occurrence is inconsistent. The Court below has also assessed her age, as 17 years. Petitioner has got clean antecedent.

5. However, learned A.P.P. and learned counsel for the informant vehemently opposed prayer for anticipatory bail.

6. It is apparent here that the victim herself left the house, which goes to show that she was not kidnapped. Even in statement recorded under Section 164 Cr.P.C., she has not



alleged that she was forcibly taken away by this petitioner. Moreover, the girl has already been recovered and there is no allegation of any sexual assault against this petitioner.

7. Under the aforesaid circumstances, the prayer for anticipatory bail of petitioner is allowed. Let the above-named petitioner, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 829 of 2023, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Singh, J)

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