

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11280 of 2024

Arising Out of PS. Case No.-135 Year-2021 Thana- NAUTAN District- Siwan

Mani Tiwari @ Mukul tiwari @ Mukul Kumar Tiwari Son of Munna Tiwari
Resident of Village- Repura, P.S.- Hathua, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-03-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the informant who is mother of the victim. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the victim and the petitioner were in love and the victim eloped but then a case of kidnapping came to be instituted. It is next submitted that the informant herself alleges that her daughter fled with jewellery worth Rs. 2 lakhs and cash worth Rs. 20,000/- which amply demonstrates that the victim while fleeing with the petitioner took away jewellery and cash from the house. It is also submitted that petitioner has already married the victim and out of the wedlock, two children were born and the victim



presently is staying with the petitioner. It is further submitted that though in the FIR, it is alleged that the victim at the time of occurrence was 17 years of age, but then the doctors have assessed her in between 18-20 years. It is also submitted that even presuming what has been alleged is true without admitting then the victim as per FIR also had reached the age of discretion where she was able to understand the consequences of her action.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nautan P.S. Case No. 135 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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