

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24250 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

Nitish Kumar @ Nitesh Kumar @ Akshay Kumar, S/o Rajesh Kumar Mandal
@ Bablu Mandal R/o vill - Jamgaon, P.S. - Jagdishpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No. 07 of 2024, registered for the offences under Section 366/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant left her house for college but did not return till evening. On inquiry being made, the informant came to know that the petitioner kidnapped her daughter with intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 27.12.2023 and the FIR has been lodged on 06.01.2024 for which there is no explanation. Learned counsel further submits that there was love affair between them and the victim solemnized marriage with the petitioner out of her



own sweet will and she is major. Learned counsel further submits that the prosecution story is not believable as on 27.12.2023, the college was closed and saying that the daughter of the informant went to the college is making a false statement. Learned counsel further submits that the victim girl was recovered and her statement was recorded under Sections 161 and 164 of Cr.P.C. In her statement recorded under Section 161 Cr.P.C. the victim girl has clearly mentioned that she went with the petitioner out of her own sweet will. Hence, there is no question for kidnapping her against her will. However, in her statement recorded under Section 164 Cr.P.C. she has made allegation against the petitioner for threatening and coercing her for solemnization of marriage but the same is not believable as the statement under Section 164 Cr.P.C. was recorded under the influence of her parents. There is no independent witness and no one has supported the prosecution story. From the statement recorded under Section 164 Cr.P.C., it is apparent that the victim traveled with the petitioner and she did not raise any protest or alarm. It shows she went with the petitioner out of her own sweet will. Petitioner is having clean antecedent.

5. Learned APP oppose the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary act of the victim girl and further considering her



contradictory statement before the police and the Magistrate coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur/court concerned in connection with Jagdishpur P.S. Case No. 07 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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