

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25670 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- HASPURA District- Aurangabad

Monu Kumar S/o- Late Moti Mahato R/o- Village-Hathiyara, P.S. Deokund,
Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-05-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 366A of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant, who is father of the victim. It is next submitted that the informant alleges that his daughter went missing since 05.09.2023 and on inquiry he came to know that his daughter was on talking terms with the petitioner and he enticed her and thereafter kidnapped. The learned counsel submits that F.I.R has been instituted after a



delay of 79 days, which casts an aspersion on the case of the prosecution. It is further submitted that petitioner is own brother of the cousin Bhabhi of the victim, as such, the informant was aware about the identity of the petitioner but then in F.I.R. he chooses to conceal the same, which further casts an aspersion on the case of prosecution. It is further submitted that the victim and the petitioner were in love and the family members of the victim were pressuring the victim for getting married which was being opposed by the victim, as such, she left her parental home and this fact was in knowledge of the informant and his family members and this perhaps explains why the F.I.R came to be instituted after a delay of 79 days. It is further submitted that during the course of investigation, it transpired that the victim from her parental home went by bus to Jamshedpur and from there to Odisha by train, further, the petitioner did not accompany the victim from her parental home upto Odisha, as such, victim reached Odisha all alone, where she met the railway police, who took her to a Welfare Centre, and thereafter, her parents were informed, and thus, was brought back.

4. The learned counsel further submits that the fact petitioner did not accompany the victim from her parental home till Odisha manifests from the statement of the victim recorded



under section 161 Cr.P.C. The learned counsel next submits that the victim had disclosed to the petitioner that she is a major and as such he was not knowing that she had not attained the age of 18 years rather was only 17 years and odd but then submits that the victim had reached the age of discretion, where she was capable of taking decision. It is further submitted that under parental pressure, the 161 Cr.P.C. statement of the victim was recorded wherein apart from disclosing the aforesaid fact, also stated that she also had physical relation with the petitioner.

5. Learned A.P.P. along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel for the petitioner that F.I.R. came to be instituted after a delay of 79 days and the informant despite being aware of the identity of the petitioner deliberately chose to conceal the same in the F.I.R.

6. 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 Court below 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 Haspura P.S. Case No.301/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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