

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26525 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- RAMNAGAR District- West Champaran

Raushan Yadav @ Raushan Kumar Yadav Son of Kanhaiya Yadav Resident of
Village- Chivtaha, Ratanpurwa, P.S.- Chivtaha, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-09-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Ramnagar Police Station Case No. 486 of 2023,
disclosing offences under Sections 363, 366(A), 34 of the Indian
Penal Code.

3. As per the First Information Report, the informant's
daughter, aged about eighteen years, eloped with some boy
along with a sum of Rs. 60,000/- and mobile. Upon inquiry, the
informant came to know that petitioner, with the purpose of
marriage, has abducted/kidnapped the informant's daughter. It
has further been alleged that twenty five days back, the
informant's daughter had eloped with the petitioner also but
subsequently, she came back. As such, suspicion has been raised



that the petitioner has kidnapped the informant's daughter.

4. Mr. Shailendra Singh, learned Counsel for the petitioner, submits that the victim is major and on the date of occurrence, she was eighteen years of age. In her statement, recorded under Section 161 Cr.P.C. on 02.01.2024, she has said that she met petitioner at Bagaha station where he told the victim to go to Surat and he would follow her after some time and when the informant reached Surat, the petitioner switched off his phone. She started working somewhere after hiring a room on rent. The victim subsequently, came to know that a case of kidnapping has been lodged by the informant. She came back to Gorakhpur and started living there after hiring a room on rent where she lived for about eleven days and she worked for her sustenance also. Thereafter, she came to Banjariya where police officer along with lady constable inquired about her name and whereabouts and brought her to the police station where she made her statement. Learned counsel submits that informant's daughter had left her house about twenty five days back and subsequently, she came back.

5. Learned counsel for the State submits that the case diary was called for and along with the case diary, in a closed envelope, the statement of the victim girl recorded under



Section 164 Cr.P.C. has been furnished. The envelope was opened in open Court and upon perusal of the statement of the victim recorded under Section 164 Cr.P.C., the girl has stated that she is in love with the petitioner who on promise to marry, established physical relationship and subsequently, refused to perform marriage. It has further been stated that the petitioner wanted to marry somewhere else.

6. I have heard learned counsel for the parties. From the records of the case, it is evident that at the time of occurrence, the girl was major. In her statement, recorded under Section 161 Cr.P.C. on 02.01.2024, she has not stated anything regarding the petitioner having promised to marry and on that pretext established physical relationship. Within two days i.e., on 04.01.2024, in her statement recorded under Section 164 Cr.P.C., she has come out with different story saying that on the promise of marriage, the petitioner established physical relationship with her in Surat, as such, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, 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 Sub-Divisional Judicial Magistrate, Bagaha, West Champaran, in connection with Ramnagar Police Station Case No. 486 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

9. The statement of the victim girl recorded under Section 164 Cr.P.C. is directed to be returned in a sealed envelope along with the case diary.

(Anil Kumar Sinha, J)

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