

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33396 of 2024

Arising Out of PS. Case No.-474 Year-2021 Thana- MADHAURAH District- Saran

Nikhil Kumar Son of Animesh Kumar Resident of Village - Basua, P.S.-
Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-08-2024 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 offence punishable under Sections 366(A)/34
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 grand
father of the victim. It is further submitted that the informant
alleges that his grand daughter was 02.08.2021 at 8 O' clock in
the morning went to the market but did not return home,
thereafter the search was made when on 04.08.2021 at 8.00
A.M. the accused called and disclosed his identity and address,
based on which, he went to the house of accused where his



family members abused and assaulted him, thus, alleges that the accused persons including the petitioner kidnapped his minor grand daughter with intention to marry her.

4. The learned counsel submits that the petitioner has been falsely implicated in the instant case. It is next submitted that the petitioner and the victim were in love and the victim eloped with the petitioner. It is also submitted that the victim was recovered and her statement was recorded under section 164 Cr.P.C., wherein she has not supported the case of prosecution rather has stated that she married the petitioner and out of the wedlock, a child was born. It is further submitted that in order to give seriousness to the case, the victim has been described as a minor, when she has reached the age of discretion.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been pleaded that the victim in the statement recorded under section 164 Cr.P.C. has not supported the case of prosecution but then the statement of the victim recorded under section 164 Cr.P.C. is not on the record.

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 Marhowarah P.s. Case No.474/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the statement of the victim recorded under section 164 Cr.P.C., in the event, if it is found that the victim has not supported the facts, as recorded hereinabove, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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