

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40327 of 2024**

Arising Out of PS. Case No.-889 Year-2022 Thana- KANTI District- Muzaffarpur

Vikki Kumar @ Bhola, Son Of Lal Babu Ray, R/O Village- Belahi Lachhi,  
P.S- Shivahi Patti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      03-07-2024                      Heard Ms. Jyotsna Rani Mishra, learned counsel  
appearing on behalf of the petitioner and Mr. Gauri Shankar  
Gupta, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Kanti P.S. Case No. 889 of 2022 registered under Sections  
363/366(A) of the Indian Penal Code.

3. As per the allegation made in the FIR, the  
petitioner, along with other accused persons, kidnapped the  
daughter of the informant, with an intention to marry her.

4. Learned counsel appearing on behalf of the  
petitioner submits that statement of the victim was recorded  
under Section 164 of the Code of Criminal Procedure, in which  
she has made general and omnibus allegation against all the  
accused persons, including the petitioner that they forced her to

marry with the petitioner. The victim is a minor girl, as has been recorded in the impugned order, who has attained the age of 16 years. She further submits that the allegation has been made against the petitioner, who has attained the age of 25 years and was in a relationship with the victim. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the victim is a minor girl, however, she has not made any specific allegation against the petitioner that he is the one, who forced her to marry with him, rather, a general and omnibus allegation has been made against all the accused persons, including the petitioner. The victim was later on detected cancer and further allegation is that for the same reason, the petitioner has deserted her.

7. In above view of the matter, I direct the learned District Court to call for the records, as well as, to constitute a Medical team, if already the age of the victim has not been ascertained and verify the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and in case the learned District Court finds that the victim has not

made any specific allegation against the petitioner, who is aged about 25 years and the petitioner and the victim were in relationship, then the petitioner, above named, be released on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Muzaffarpur (West) in connection with Kanti P.S. Case No. 889 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

**(Purnendu Singh, J.)**

Ashishsingh/-

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