

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45756 of 2024

Arising Out of PS. Case No.-06 Year-2024 Thana- ALOULI District- Khagaria

Shivam Kumar Son of Fulo Yadav Resident of Vill- Surha Dhala, P.S.-
Hasanpur, District- Samastipur. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Baijnath Pandit Resident of Vill- Budhaura, P.S.- Alauli,
District- Khagaria. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The petitioner apprehends his arrest in Alauli P.S. Case No.
06 of 2024 registered for the offences punishable under Sections
366A, 376, 504, 506 & 120B of the Indian Penal Code.

3. The petitioner in association of other co-accused is said to
have abducted the minor daughter of the informant for the
purpose of marriage.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to grudge and vengeance. It is
further submitted that there is inordinate and abnormal delay of
five months in filing the complaint petition without assigning
any plausible and convincing reason for the said delay, which



creates serious doubt about the prosecution case. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the victim girl in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case in toto, hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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