IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53893 of 2024

Arising Out of PS. Case No.-8 Year-2019 Thana- KHIRHAR District- Madhubani

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Sumit Kumar Pratihast son of Vimal Pratihast Resident of Village- Hisar, P.S. Khirhar, District-Madhubani

... ... Petitioner/s

Versus

1. The State of Bihar
2. Radhe Pandey son of Late Jaynath Pandey Village- Bhalabaingra Ps- Khirhar Dist- madhubani

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashi Kant
For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 29-08-2024 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 offences punishable under Sections 363, 366A, 323, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his minor daughter aged about 15 years on 02.02.2019 at 07:00 PM had gone to purchase some articles, but did not return, thereafter a search was made but the victim was not located, further informant saw on his mobile that 3-4 calls from Mobile No. 9934362730 had come on his mobile, on

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inquiry, it transpired that the number belonged to the petitioner, further some villagers also informed that they saw the victim going on a motorcycle with petitioner and Dhiraj towards Benipatti Road, accordingly, he went to the house of the petitioner where he was abused and assaulted and thus alleges that his daughter was enticed away either for marriage or for sale.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant himself discloses that while he was searching the victim, four calls were received on his mobile and on inquiry it transpired that the same belonged to the petitioner, which amply demonstrates that petitioner had called him for informing that the victim was with him. It is also submitted that the statement of the victim was recorded under Section 164 Cr.P.C. wherein she has disclosed her age 18 years. It is further submitted that victim has not supported the case of the prosecution rather has stated that she married the petitioner in a temple at Delhi.

5. The learned counsel next placing reliance on Para-9 of the anticipatory bail application submits that out of the

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wedlock, a child was born who presently is five months old. It is also submitted that victim is staying with the petitioner at her matrimonial home. It is next submitted that petitioner is not a criminal.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 trial court 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 Khirhar P.S. Case No. 08 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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