

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55279 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Sanjay Kumar Son of Sagar Ray Resident of village - Raydih (Manua), P.S.-
Hajipur Sadar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Ms. Veena Kumari Jaiswal
For the Informant : Mr. Ashutosh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363 and 366(A) 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 her sister went missing from Hajipur, hence, based on suspicion alleges that petitioner abducted her and when she verified from the petitioner on Mobile No. 8603558042, the True Caller showed the name of 'Manish'.
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 the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she



has disclosed her age as 23 years and has not supported the case of the prosecution rather has stated that for the last eight months she was in love with a boy and on his instruction, she came to Hajipur station, but then the boy left her there and after some time called her and asked where she is, on which she disclosed that she is at the station, but he did not come, thereafter, she stayed at Patna railway station for three days, but he did not come, thereafter, she went to *Gurudwara* and when she was at *Gurudwara*, she received a call from home, when she came to know that a case has been instituted, thereafter she came to the house of Jitendra Mukhiya and from there to the police station, further the said boy married her in Hariharnath temple and even got her pregnancy of two months aborted and was with her for the last four years and the name of the boy was disclosed as Sanjay.

5. The learned counsel for the petitioner submits that the statement of the victim recorded under Section 164 Cr.P.C. does not inspire confidence for the reason that initially she has not disclosed the name of the boy with whom she was in love and later she has stated that the boy was petitioner, but then it is submitted that even presuming what has been stated in her statement recorded under Section 164 Cr.P.C. to be true, then



also no case of kidnapping is made out as victim is a major aged about 23 years and she has not stated that she was forcefully abducted by the petitioner.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose 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 Hajipur Sadar P.S. Case No. 159 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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