

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66942 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Shahpur P.S. District- Nawada

Ramshankar kumar @ Villain Son of Prahlad Singh Resident of village- Sarkatti, Post- Jalalpur, warisaliganj, P.s- Shahpur, Distt. - Nawada, Bihar 805130

... .. Petitioner

Versus

1. The State of Bihar
2. Praveen Kumar S/o Mahendra Singh Resident of village- Sarkatti, Post- Jalalpur, warisaliganj, P.S.- Shahpur, Distt. - Nawada, Bihar 805130

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Amit Anand, Advocate Mr. Deep Shankar, Advocate
For the State	:	Ms. Asha Kumari, APP
For the Informant	:	Ms. Alka Pandey, Advocate Mr. Ajay Kumar Jain, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant/opposite party no.2.

02. In the present case, the petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 32 of 2024, registered on 28.05.2024, for the alleged offence under Sections 363 and 365 of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant went missing and the informant came to know that the petitioner and other co-accused persons have kidnapped his daughter.



04. Learned senior counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 26.05.2024 but the FIR has been registered on 28.05.2024 and the delay has not been explained, which creates doubt over the prosecution story. Learned senior counsel further submits that the victim girl returned on her own on 29.05.2024 and she refused to undergo medical examination and both these facts cast serious doubt over the veracity of allegation against the petitioners. There is long standing dispute between the petitioner and the family of the victim girl and there has been strained relationship between them. Learned senior counsel further submits that in the statement of the victim girl, stated to be recorded under Section 164 Cr.P.C. and incriminating the petitioner, tutoring of the victim girl under the aforesaid circumstances cannot be ruled out.

05. Learned A.P.P. for the State as well as learned counsel for the opposite party no. 2 oppose the prayer for anticipatory bail. Learned counsel for the opposite party no. 2 submits that the statement of the victim girl was recorded wherein she has specifically named this petitioner, who was involved in her kidnapping and molestation.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of victim girl recorded under Section 164 Cr.P.C., who appears to be a minor and further considering the nature of allegation, I do not think it is a fit case for grant of privilege of anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is hereby **rejected**.

(Arun Kumar Jha, J)

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