

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67409 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- SARAIYA District- Muzaffarpur

Abhishek Kumar S/O Santosh Sah R/O Village- Chhajan Gonu, P.S- Kudhani
(Turki O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Saraiya P.S. Case No. 67 of 2023, registered for the alleged offence under Sections 363, 366(A)/34 of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner and other co-accused persons and the informant also came to know that pass-book of his minor daughter and ornaments worth of Rs. 2,00,000/- were also missing.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. For an occurrence of dated 28.01.2023, FIR was registered on



02.02.2023 and there is no explanation for the delay. The informant is not an eye witness and it appears to be a case of love-affair. The informant has himself stated in his written statement that his girl went missing with her pass-book and ornaments worth of Rs. 2,00,000/- and the prosecution story thereafter is not believable and even the statement of the victim girl recorded under Section 164 Cr.P.C. could not be relied on that the petitioner and other co-accused persons forcibly took away the daughter of the informant. Moreover, even in her statement under Section 164 Cr.P.C., the victim girl has not alleged any misconduct against the petitioner except for saying that she was forcibly taken away by the petitioner and other co-accused persons. The victim girl is on verge of majority and the petitioner is also aged about 23 years and his career will be ruined, if he is sent to jail. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that from the facts on record, it appears that the victim girl was minor and it has also come in her statement that she was forcibly taken away by the petitioner and other co-accused on gunpoint.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the statement of the informant in written report showing voluntary action on part of the daughter of the informant, apart from the young age of the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur (West)/concerned court in connection with Saraiya P.S. Case No. 67 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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