

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69674 of 2024

Arising Out of PS. Case No.-393 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Adit Kumar @ Aditya Kumar S/o- Harendra Prasad Resident of Gamhari P.S-
Baikunthpur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Naresh Prasad, learned counsel for the
petitioner and Mrs. Asha Devi, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Baikunthpur P.S. Case No. 393/ 2023 dated 16.11.2023 registered for the offence(s) punishable under Section(s) 363 and 366A read with section 34 of the IPC.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner is a young person aged about 20 years having fair and clean antecedent and the alleged occurrence is said to have taken place on 12.11.2023 but the F.I.R. was lodged on 16.11.2023 and the so called victim, daughter of the informant, has been recovered and she recorded her statement under section 161 as well as 164 of the Cr.P.C. and there is serious contradiction in between both the statements



as according to her statement under section 161 of the Cr.P.C., she left her parents' house on account of ill treatment committed with her by her mother and thereafter, she first went to Gopalganj then to Lucknow and thereafter to Gujarat and returned back 5-7 days later and in the statement recorded under section 164 of the Cr.P.C., she revealed a complete different story as according to her, she was kidnapped in the evening of 12.11.2023 when she went outside her house near a dam to attend the call of nature but she did not name the petitioner and according to her, she was held hostage at some place and till that time name of this petitioner did not come into light and according to her she was saved by petitioner's uncle and brother and if the said story is believed even then no allegation appears against the petitioner. It is further submitted that the statement before the learned Judicial Magistrate was not recorded by the victim freely as she appeared in the court with her parents, uncle and elder brother and she recorded her statement on the pressure of her parental relatives.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner and submitted that there is serious allegations against the petitioner.

5. Having considered the above submissions advanced



by the petitioner’s counsel and mainly taking into account the petitioner’s young age as well as his fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Baikunthpur P.S. Case No. 393/ 2023 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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