

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77626 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- NAGAR District- Vaishali

Rahul Kumar Son of Rakesh Chaudhary Resident of Mohalla-Ander Kila
(Pasi Tola), PS.- Town Hajipur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Hajipur Town P.S. Case No. 223 of 2024 registered for the
offences punishable under Section 366 of the Indian Penal
Code.

3. Allegedly, petitioner is said to have kidnapped the
minor daughter of the informant in association of co-accused
Anshu Kumar.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged has ever taken place. He has falsely
been implicated in this case due to ulterior motive. The
allegation levelled against the petitioner is totally false and



based on concocted facts. The present case has been filed by the informant in order to make pressure upon the family of the petitioner despite knowing about the love affair between the petitioner and the victim. It is further submitted that the victim girl is major and in her statement recorded under Section 164 Cr.P.C., she has not supported the prosecution case. There is inordinate and abnormal delay of 12 days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case and submits that she left her house and went with this petitioner under influence of co-accused Monika. She further stated that after leaving her house, she stayed at a rented house with the petitioner and during this period, she was sexually and physically assaulted.

6. Considering the facts and circumstances of the case, nature of the offence and particularly the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge



the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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