

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80848 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- NAYAGAON District- Saran

Shubham Kumar Singh, Son of Sanjeet Kumar Singh, Resident of Village-
Mahdalichak, P.S.- Nayagaon, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Deep Anshuman, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Mr. Rajendra Narayan, learned Senior

Advocate for the petitioner and Mr. Binod Kumar, learned

Additional Public Prosecutor for the State. The informant is

represented through Mr. Deep Anshuman, learned Advocate.

2. The petitioner apprehends his arrest in connection
with Nayagaon P.S. Case No. 166 of 2024, registered for the
offences punishable under Sections 126(2), 127(2), 74, 123,
336(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Based upon the written report the prosecution
alleges that on the fateful day at about 10:00AM, when the
informant got down from an auto, she boarded on a black
Scorpio vehicle. The persons who were sitting in the Scorpio
vehicle, drove the vehicle and in the mean time, administered a



medicine. The persons also got her signature on a folded paper. Later on the victim was dropped on Govind Chak Mor in the evening.

4. Learned Senior Advocate referring to the FIR contended that the written report clearly suggest that the victim had herself voluntarily boarded on a vehicle. It has not been disclosed that the petitioner was even present in the vehicle. It is the father of the victim who disclosed the name of the petitioner as the victim was kidnapped by the petitioner and thereafter on pressure, she was left. The allegation even if, has taken to be true for the sake of the argument, no case much less any offence as alleged in the FIR is made out against the petitioner. Learned Senior Advocate has further drawn the attention of this Court to the whatsapp chat between the mobile of the informant and the petitioner, which clearly discloses that it is the informant who had been chasing the petitioner and there was a love affair. It is lastly contended that in fact the informant and his family members wanted to solemnize the marriage of the victim with the petitioner, but since the petitioner was not ready for the same, which resulted into institution of the FIR. The petitioner undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State



and the informant vehemently opposed the pre-arrest bail application and submits that the statement of the victim was recorded under Section 183 of the Bharatiya Nyaya Sanhita, wherein she has categorically stated that she was forcefully kidnapped by the petitioner and he has misbehaved.

6. Regard being had to the submissions made on behalf of the parties and considering the written report filed by the victim girl/informant as also the materials brought before this Court including the whatsapp chat, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Chapra, at Saran in connection with Nayagaon P.S. Case No. 166 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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