

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85844 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- MAHILA P.S. District- Patna

Abhimanyu Kumar Son Of Arjun Paswan Resident Of Village- Samaspur
Nadi, Police Station- Fatuha, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 140 of 2022 dated 22.11.2022 for the offences punishable u/ss 366A, 376 read with Section 34 of the Indian Penal Code and u/s 4 of the POCSO Act and u/s 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant after luring her and got married with her in Balanath Temple. The petitioner kept the informant's daughter full day and left her on the road in front of the informant's house. It is further alleged that on 10th November, the petitioner took the informant's



daughter in a hotel where he committed wrong with her and left her in front of the informant's house. It is further alleged that when the informant's side went to the house of Arjun Paswan who is the father of the petitioner then the mother and sister of the petitioner denied to keep her daughter and the mother of the petitioner told the informant that we would keep his daughter if he fulfilled their demands i.e. Rs. 5 lacs in cash, 5 tola jewellery and one house otherwise they would not keep her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The date of occurrence took place on 10.11.2022 but the F.I.R. was lodged on 22.11.2022 after the delay of 12 days without any explanation. There was a love affair between the informant's daughter and the petitioner. It is further submitted that the petitioner and the victim have solemnized marriage with each other. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the process of 82 and 83 Cr.P.C. had already been executed against the petitioner because of the fact that he is



evading his arrest and not surrendering before the Court hence, the anticipatory bail application is not maintainable against the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the fact that the petitioner was declared a proclaimed offender so the prayer of anticipatory bail for the petitioner is not maintainable. Accordingly, the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from today and the prayer for regular bail and the learned Court below will consider the prayer for regular bail of the petitioner on the same day in accordance with law and on its own merits without being prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

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