

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1045 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- MEHSI District- East Champaran

AMAN KUMAR @ GOLU @ AMAN RAJ, Male, aged about 20 years, S/O
MANGAL SAH R/O VILLAGE- KASBA MEHSI, P.S- MEHSI, DISTT.-
EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Dhurendra Kumar learned counsel
appearing on behalf of the petitioner and Mr. Ram Naresh Ray,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mehsi P.S. Case No. 128 of 2023 dated 04.05.2023
registered for the offence(s) punishable under Sections
363/366(A)/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner had kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner and victim were in love
affair and the victim herself went to the house of the petitioner
and from there they went to Delhi. The victim in her statement



recorded under Section 164 of Cr.P.C. has not complained anything against the petitioner. Learned counsel further submits that it has been recorded in the impugned order that the victim is more than 19 years old. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner and the statement of the victim recorded under Section 164 Cr.P.C, in which she has stated that petitioner has not committed any wrong with her and she had gone as per her own desire without coercion, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Mehsi P.S. Case No. 128 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., **subject to verification of the statement**



of the victim recorded under Section 164 Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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