

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3575 of 2025

Arising Out of PS. Case No.-264 Year-2022 Thana- SISWAN District- Siwan

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Vishal Giri, aged about 25 years, Gender - Male, Son of Jitendra Giri,
Resident of Village - Bharwaliya, P.S. - Siswan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-07-2025 Heard Mr. Bijay Prakash Singh, learned counsel

appearing on behalf of the petitioner and Mr. Navin Kumar

Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Siswan P.S. Case No. 264 of 2022, registered for the
offence punishable under Section 366 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
had kidnapped the daughter of the informant along with her two
children and confined them in a room in Kolkata.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. He further submitted that
materials having been collected in course of investigation,
which reveals that on earlier occasion also, the victim used to



run away with the petitioner as would appearing from paragraphs no. 7 to 12 of the case diary. She on her own eloped with the petitioner. The victim, in her statemend recorded under Section 164 of the Code of Criminal Procedure has contradicted the said fact and has supported the prosecution story. Learned counsel further submitted that it is admitted that the petitioner used to serve food to her and her two children and the allegation made in the FIR is on the basis of heresay as the victim has not made any allegation that petitioner has tortured her in any manner. The petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the victim and her two sons in their statements recorded under Section 164 of the Code of Criminal Procedure have supported the prosecution story and that the petitioner had put them under confinement for two months in Kolkata. However, surprisingly, the victim and her two children were recovered by the police in course of investigation on 02.01.2023 from Siwan Railway Station, which creates doubt on the alleged allegation that the petitioner had put



the victim along with her two children in confinement. Though the eight years old son of the victim has supported the prosecution story that the petitioner had confined him along with his younger brother and mother, but, case has not been registered under the POCSO Act for illegal confinement of minor children, nor the informant has alleged so. In course of investigation, the independent witnesses have also given information in paragraphs no. 7 to 12 of the case diary that in past also, the victim willingly used to go along with the petitioner. One of the sons of the victim has given information that petitioner and one Abhishek Kumar used to give them food. The allegation of kidnapping and alleged confinement is not supported by the independent witnesses and there is evidence to show that the victim used to leave her home from time to time. Petitioner has clean antecedent. 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/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan, in connection with Siswan P.S. Case No. 264 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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