

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3410 of 2025

Arising Out of PS. Case No.-164 Year-2024 Thana- BHARGAMA District- Araria

1. Guddu Kumar @ Guddu Yadav Son Of Ram Prasad Yadav Resident Of Vill.- Shankarpur P.S - Bhargama, District - Araria Bihar
2. Manish Kumar S/O Ram Prasad Yadav Resident Of Ward No.6 Shankarpur P.S - Bhargama, District - Araria Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Saket Tiwary, Advocate
For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-04-2025 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 366A, 363 and 34 of the Indian Penal Code.

3. As per prosecution case, informant, namely Rajiv Kumar, alleged that on 09.06.2024 at about 4 AM in the morning, his minor daughter went to attend nature's call but did not return. During search, informant came to know that all the F.I.R. named accused persons, including these petitioners, have kidnapped his minor daughter for the purpose of marriage.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, during investigation, the victim was recovered from the house of her uncle (*Fufa*) in Bhargama and in her statement recorded before police under Section 180 of the B.N.S.S. she has denied the *factum* of kidnapping and has categorically stated that she went to house of her uncle on her own sweet will and has found a job at an eye hospital. However, in her statement recorded under Section 183 of the B.N.S.S., she has supported the *factum* of kidnapping but has not alleged any sexual or physical assault against these petitioners.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation, material contradiction in statement of victim recorded under Section 180 of the B.N.S.S. and Section 183 of the B.N.S.S. and the fact that victim has not alleged any sexual or physical assault against these petitioners in her statement recorded under Section 183 of the B.N.S.S., the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Bhargama (Bhargavan) P.S. Case No. 164 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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