

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32093 of 2025

Arising Out of PS. Case No.-152 Year-2019 Thana- JOKIHAT District- Araria

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Amit Kumar @ Amit Kumar Bishwas, S/O Singheshwar Bishwas @
Singheshwar Bishwas, R/O Vill.- Borail, P.S- Jokihat (Mahalgaon), Dist.-
Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar Mishra S/o Late Upnarayan Mishra R/O Vill.- Borail, P.S-
Jokihat (Mahalgaon), Dist.- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kr. Nirala, APP
For the Informant/s	:	Mr. Kritya Nand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Jokihat (Mahalgaon) P.S. Case No.152 of 2019 registered
for the offences punishable under Sections 363, 366A/34 of the
Indian Penal Code and Section 3/4 of the POCSO Act.

3. Allegedly, the petitioner abducted the minor
daughter of the informant on 02.04.2019 while she was going to
the school. On getting such information, the informant along
with Mukhiya and Panches reached at Village Rauti and traced
out the minor daughter of the informant. It is further alleged that



again on 16.04.2019, the petitioner abducted the minor daughter of the informant and fled away.

4. Learned Advocate for the petitioner submitted that the victim girl and the petitioner were in love and they voluntarily left the house and solemnized marriage on their own sweet will and consent. After marriage, the couple blessed with a female child, who is aged about two years. It is further contended that soon after the occurrence, the statement of the victim was recorded under Section 164 CrPC., wherein she has categorically stated that she voluntarily left her house and thereafter solemnized marriage with the petitioner and is residing with him. Taking note of the aforesaid fact, the petitioner had been extended the benefit of Section 41A of the CrPC; however, after submission of the charge-sheet, the learned Jurisdictional Court has taken cognizance for the offences punishable under Section 363 of the IPC and Section 4 of the POCSO Act. Despite the cognizance taken by the Jurisdictional Court, the petitioner could not ensure his appearance; hence, the process under Sections 82 and 83 CrPC have also been issued. Considering the aforesaid fact, the learned Jurisdictional Court has refused to extend the petitioner on anticipatory bail. The petitioner bears fair antecedent.



5. On the other hand, learned counsel for the informant supported the submissions of the petitioner and fairly contended that now the victim girl is residing with the petitioner.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the charge-sheet has been submitted only under Section 363 of the IPC and thereupon the learned Jurisdictional Court has taken cognizance for the offences punishable under Sections 363 of the IPC and Section 4 of the POCSO Act but the petitioner could not ensure his appearance and, in the meantime, process under Sections 82 and 83 CrPC have been issued, which, in general, bars the anticipatory bail as mandated by the Apex Court in various rulings, this Court is not inclined to enlarge the petitioner on pre-arrest bail.

7. In case, the petitioner surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the same shall be considered and disposed off on its own merit(s) expeditiously, and if possible, on the same day, without being prejudiced in any manner by the present order; taking into consideration the afore-noted submissions as also the fact that the victim has solemnized marriage and now she has



been residing with the petitioner and the couple blessed with a baby girl.

8. The present application stands disposed off with the aforesaid observation.

(Harish Kumar, J)

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