

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32680 of 2025

Arising Out of PS. Case No.-353 Year-2024 Thana- WAJIRGANJ District- Gaya

Nikhil Kumar @ Paras S/O Vijay Paswan R/O Vill.- Sikan Daspur, P.s.-
Wazirganj, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/O Udai Singh R/O Vill.- Kandha, P.s.- Wazirganj, Dist.- Gaya.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Wazirganj P.S. Case No. 353 of 2024, dated 03.06.2024,
lodged under Section 366-A of the Indian Penal Code, pending
before the Court of ACJM-1st, Gaya.

3. As per the prosecution, an FIR has been lodged
against two named accused persons, including the present
petitioner, with the allegation that they kidnapped the daughter
of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the alleged victim has been recovered and has
given her statement under Section 161 of the Cr.P.C. before the



police and under Section 164 of the Cr.P.C. before the Magistrate. It is submitted that in her statement under Section 161 of the Cr.P.C., she did not make any allegation against anyone, rather, she disclosed that she had left the house of her own will. He further submits that the criminal antecedent of the petitioner is clean. It is also submitted that on a previous occasion, the case diary had been called for.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that, as per the case diary, the victim is a minor and has recorded her statement under Section 164 of the Cr.P.C. However, from the said statement, it appears that she went with the petitioner of her own will. She has also stated that she married the petitioner and that they developed a physical relationship on 1–2 occasions.

6. In the present facts and circumstances of the case, and considering that the victim is a minor, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is hereby rejected.

(Dr. Anshuman, J.)

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