

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37848 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- DHAKA District- East Champaran

Bullet Kumar @ Vicky Son of Vinogi Rai @ Vinod Prasad @ Vinod Rai R/O
VILL.- DHARHARWA, P.S.- CHIRAIYA, DIST.- EAST CHAMPARAN at
MOTIHARI

... .. Petitioner/s

Versus

1. The State Of Bihar PATNA
2. Ajay Rai Son of Jildar Ray, R/o village- Auraiya, P.S. Dhaka, Distt.-East Champaran at Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 11-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. Nobody appears on behalf of the informant despite
issuance of notice.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363,
366(A) and 34 of the Indian Penal Code and Section 8 of the
POCSO Act.

3. The case of the prosecution is that the daughter of the
informant went missing after she had left for coaching and
thereafter, the present FIR was lodged against the petitioner and
others on suspicion with the allegation of kidnapping the
daughter of the informant.

4. Learned counsel for the petitioner submits that the



present case is not that of kidnapping and as a matter of fact, the victim girl was earlier in a relationship with co-accused Nageshwar Kumar which later on failed and subsequently, she entered into a relationship with one Deepu Kumar with whom she had gone voluntarily and subsequently, Deepu Kumar left her at her home after coming to know of the present FIR. The victim girl has also stated that since co-accused Nageshwar Kumar wanted to marry her and therefore, he was also making some obscene videos in order to harass her. The story was however, subsequently changed in her statement under Section 164 of the Cr.P.C., wherein she has made a statement that it was co-accused Nageshwar Kumar along with the present petitioner who had kidnapped her. The medical examination report also shows her age to be above 19 years and further the present petitioner has no criminal antecedent. It is also pointed out by learned counsel for the petitioner that similarly situated co-accused Nageshwar Kumar and co-accused Shambhu Ray have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 17994 of 2024 and vide order dated 14.03.2024 passed in Cr. Misc. No. 13674 of 2024, respectively.



5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and also taking into consideration that the petitioner is a young boy aged about 21 years having no criminal antecedent and he has been made accused in this case only on account of his friendship with co-accused Nageshwar Kumar coupled with the fact that there is a complete departure of story in the statement recorded under Section 164 Cr.P.C. from the statement recorded under Section 161 Cr.P.C., I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Dhaka P.S. Case No. 634 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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