

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37558 of 2025

Arising Out of PS. Case No.-213 Year-2020 Thana- BARH District- Patna

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Akhilesh Kumar S/o- Sukhdev Yadav @ Sukhadev Singh Village- Hamjapur
@ Hemjapur Ps- Khusrupur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 366A of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner is brother-in-law (Dewar) of the sister of the informant and he came on 04.06.2020 to his house and took away his minor sister aged about 13 years with an intention to get married, on coming to know that victim was missing, a search was made, but the victim was not located, further on 09.06.2020, the informant received a call on his Mobile No., 6201940070 from Mobile No. 8969920182 and the caller



disclosed that victim is with him and they have married.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that date of occurrence is 04.06.2020 and the FIR came to be instituted on 13.06.2020 i.e. after a delay of 9 days. It is also submitted that petitioner is brother-in-law (Dewar) of the sister of the informant and he was in love with the victim and thus they eloped. It is also submitted that petitioner even married the victim and out of the wedlock, two children were born and at the time of the birth of second child, the victim died.

5. On query of the Court that as to whether postmortem of the body was conducted or not, on which it has been submitted by the learned counsel appearing on behalf of the petitioner that the body was cremated without postmortem, on which the learned APP submits that the same casts an aspersion. The learned APP further submits that in the FIR it has been specifically alleged that the victim was 13 years of age when the petitioner took her away and there is no pleading in the anticipatory bail application to the effect that victim was not a minor on the date of occurrence, which amply demonstrates that a minor was kidnapped by the petitioner. It is also submitted



that had the victim died at the time of giving birth to the second child, in that event, the postmortem of the body would have been conducted, but since the postmortem of the body has not been conducted, it might be a case of murder and the investigation is in its nascent stages.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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