

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38569 of 2025

Arising Out of PS. Case No.-395 Year-2023 Thana- RAJAPAKAR District- Vaishali

Upendra Kumar, S/O Late Shatrudhan Singh @ Shatruhan Singh, Resident of
Village -Dighwara, P.S- Dighwara, District Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lila Devi, W/o Sukhlu Singh, Resident of Village -Faridpur, P.O- Bakhari,
P.S- Rajapakar, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Rajapakar P.S. Case No. 395 of 2023, registered for the
offences punishable under Sections 341, 323, 366, 504, 506 and
34 of the Indian Penal Code.

3. Earlier in pursuant to the order of this Court notice
was issued to the opposite party no. 2. Despite the valid service
of notice, there is no representation on behalf of the opposite
party no. 2.

4. The allegation against the petitioner is of enticing



away the minor daughter of the informant with the help of other accused persons. It is further alleged that the accused persons were also taken away cash of Rs. 50,000/- and ornaments to the tune of Rs. 1,50,000/-, alongwith the victim, which was kept for her marriage.

5. Learned Advocate appearing on behalf of the petitioner submitted that alleged occurrence took place on 03.11.2023, but the present FIR came to be instituted on 05.11.2023. During the course of investigation, the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure, wherein she has categorically stated that on 03.11.2023 she left her house and went to the house of maternal grandmother without informing the parents and later on, when she came to know that the FIR has been instituted against the petitioner and others, she returned back to her home and said that the petitioner has played no role in her kidnapping. Learned Advocate for the petitioner further contended that in fact the police after investigation submitted chargesheet only under Section 341, 323, 366, 504, 506 and 34 of the Indian Penal Code, however differing with the chargesheet, the Jurisdictional Court has taken cognizance for the offences under Section 366, 366A and 34 of the Indian Penal Code and Section 8, 12 and 17 of the Protection of Children from Sexual Offences Act.



6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

7. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, coupled with the delay and the materials collected during the course of investigation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 395 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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