

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47609 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- RAMPUR District- Gaya

Priyanshu Raj Son Of Arvind Kumar Resident Of Village - Chhotaki Delha,
Paraiya Road, Gaya, P.S. - Delha, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandra Shekhar Sharma Son of Late Mahadeo Singh Resident of mohalla -
Chanakayapuri Colony, Vaishali Complex, Katari Hill Road, Gaya, P.s. -
Rampur, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 10-04-2025 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends his arrest in connection with
Rampur P.S. Case No. 42 of 2021 registered for the offences
punishable under Section 366 of the Indian Penal Code.

3. It would appear from the order sheet that notices had
been issued to opposite party no. 2 and the office note would
show that despite such notice, received personally, the O.P no. 2
has not appeared.

4. The present case has been filed by the informant
stating that his grand- daughter had left her house on 06.02.2021
and did not return back home. In respect of the same, FIR was
lodged by the informant on 08.02.2021 i.e after delay of two
days against unknown.



4. Learned senior counsel for the petitioner submits that although, the victim girl had disappeared on 06.02.2021, the written report was lodged after a delay of two days and the FIR was received in the court on 10.02.2021. It has been further submitted that the present FIR was although lodged under section 366 of the I.P.C but the police after investigation has submitted charge sheet under section 498A of the I.P.C.

5. It has also been submitted that the petitioner was staying in Delhi and it seems that the petitioner was having a love affair with the victim girl and they had also solemnized their marriage at Arya Samaj Mandir, Trust, New Delhi and a certificate with regard to the marriage has been annexed as Annexure-2 to the petition. It has further been submitted by the learned counsel for the petitioner that as a matter of fact, the victim has been forcibly taken away by her family members from Delhi with regard to which the petitioner had also filed Habeas Corpus writ application before the Hon'ble Delhi High Court in which the order was passed to produce the wife of the petitioner. It also appears that on 10.03.2021, the victim girl had appeared before the Delhi High Court and stated that she was residing happily with the petitioner.

6. Learned APP for state opposes the application for



bail stating that the victim had subsequently gone to the house of her maternal grand father and her statement was recorded under section 164 Cr.P.C on 13.02.2022. However, from perusal of the said statement recorded under section 164 of the Cr.P.C as noted in paragraph 52 of the case diary, it would appear that the victim has admitted that she was married to the petitioner but now she does not want to stay with the petitioner any more on account of bad behaviour of the petitioner.

7. Considering the facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on 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, Gaya in Rampur P.S. Case No. 42 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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