

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73748 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- PARSAUNI District- Sitamarhi

Sushil Kumar, Son of Bablu Baitha @ Bhajlu Baitha @ Bhuklu Baitha, R/o
village - Madanpur, P.S.- Parsauni, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-03-2025 Heard Mr. Ashok Kumar Jha, 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 Parsauni P.S. Case No. 56 of 2024, registered for the
offences punishable under Sections 363, 366 and 34 of the
Indian Penal Code.

3. Based upon the written report it is alleged that on
09.04.2024 while the daughter of the informant went to attend
her school, in the meanwhile, three persons riding on a
motorcycle came there and forcibly got her seated on the
motorcycle. On *halla* being raised, the nearby persons
assembled there and caught hold one of the accused Bittu
Kumar. However, the petitioner and co-accused Raushan Kumar



forcibly enticed away the daughter of the informant.

4. Learned Advocate appearing on behalf of the petitioner contended that the alleged occurrence took place on 09.04.2024 at about 11:00am, but the FIR came to be instituted on 10.04.2024. There are various material infirmities in the allegation levelled in the FIR, as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. It is contended that the victim has stated that it is Bittu Kumar who has forcibly got her seated on the motorcycle and thereafter both the petitioner and Bittu Kumar has brought her to Muzaffarpur, from where the petitioner has taken her to Aurangabad. Thereafter the victim was kept in a house in Aurangabad and from there she was brought to Patna and later on Runnisaidpur by one unknown boy. It is further contended that the victim is a major one and she voluntarily left her house with her paramour, but only on a pressure being made by family members, the present FIR has been instituted and thereafter she supported the allegation in her statement recorded under Section 164 of the Code of Criminal Procedure. It is lastly contended that the petitioner is a boy of tender age, aged about 20 years having fair antecedent.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that the victim has specifically disclosed the name of the petitioner that it is he who has forcibly taken away from Muzaffarpur to Aurangabad.

6. Regard being had to the submissions made on behalf of the parties this Court is not acceded to the prayer for anticipatory bail of the petitioner, however if the petitioner surrenders within a period of four weeks from today, the learned jurisdictional Court shall consider the prayer for regular bail of the petitioner without being prejudice by the order of this Court and taking note of the fact that co-accused Bittu Kumar has already been granted bail by this Court in Criminal Miscellaneous No. 60373 of 2024.

7. The bail application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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