

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76553 of 2024

Arising Out of PS. Case No.-1136 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Aditya Kumar @ Aditya Raj S/o Ashok Chaudhari @ Ashok Kumar Chaud-
hari R/o vill - Laxmi Chouk, P.S. - Barahampura, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Dimpal Kumari, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Muzaffarpur Sadar P.S. Case No.1136 of 2023 registered
for the offences punishable under Section 363 and 366 of the
Indian Penal Code.

3. As per the First Information Report, it has been
stated that when the informant woke up in the morning he found
his sister missing and it was told to him by her friend that she
used to talk with the petitioner, whereupon the informant went
to the house of the petitioner where the father of the petitioner
told the informant that the victim is safe and would return back
home.



4. Learned counsel for the petitioner, at the outset, submits that the victim is major and is capable of taking her own decisions. It is also her submission that the victim had left with the petitioner voluntarily on her own sweet will. It has also been submitted that the occurrence had taken place on 13.11.2023 whereas the present FIR came to be lodged on 16.11.2023 and the delay has not been explained.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner. He points out the statement of the victim recorded under Section 164 Cr.P.C.

6. Upon perusal of the statement of the victim girl under Section 164 Cr.P.C. recorded on 20.07.2024, it would appear that the victim has accepted the fact that she was known to the petitioner through Instagram and he was his friend. She has further stated that she had gone along with him to Punjab for getting a job. However, in the later part of her statement, she has stated that she was forced to marry the petitioner in a temple. It would also appear from perusal of the case diary that the victim has refused to get herself medically examined.

7. From all the abovementioned facts and circumstances of the case as also 164 Cr.P.C. statement of the victim, it would appear that the victim is an adult and she was



already known to the petitioner with whom she went on her own will and, hence there is no question of any kidnapping from the lawful guardianship or even a case of abduction.

8. Considering the abovementioned facts and circumstances and also taking into consideration that the petitioner who is a 19 years old boy with criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Sessions Judge, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No.1136 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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