

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75502 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

1. Vicky Kumar S/o Ram Parvesh Sahani R/o village- Dharampur, PS- Rampur Hari, District- Muzaffarpur
2. Ram Parvesh Sahani S/o Bhutan Sahani R/o village- Dharampur, PS- Rampur Hari, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Sah S/O-Late Surendra Sah, R/O-Vill- Dharampur , P.S.- Rampur Hari , Dist.-Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bela Singh, Adv.
For the State	:	Mr. Anil Prasad Singh, APP.
For the Informant	:	Mr. Brahmaputra Singh Ishu, Adv.
		Ms. Poonam Kumari, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 137(2), 87, 3(5) of the B.N.S., 2023.

3. The allegation, as per the FIR, is that on 07.08.2024, the daughter of the informant aged about 18 years went outside for natural call, but did not return back. After lapse of some time, when the search started, she could not be traced. It is further alleged that the informant got an information that Vikki Kumar (petitioner no.1) in connivance with Ram Parvesh Sahani



(petitioner no.2) and others took his daughter on a vehicle and kidnapped her.

4. Learned counsel for the petitioners submits that the allegations levelled in the FIR are not correct and as a matter of fact, both the victim girl and the petitioner no.1 are majors and they were studying in the same school having love relationship between them and on the relevant day, she had fled away from her house voluntarily after making a plan as would also be evident from the time of occurrence which is 4 O'clock in the morning. It is further submitted by the learned counsel for the petitioner that even as per the statement of the victim girl recorded under Section 164 Cr.P.C., there is no allegation of any physical or sexual assault. It is further submitted that although the victim girl was recovered on 09.08.2024, her statement under Section 164 Cr.P.C. has been recorded much later on 16.08.2024 when she went into the custody of her family.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail submitting that the victim girl has supported the factum of kidnapping in her statement recorded under Section 164 Cr.P.C. and however, it would appear from a perusal of the same that the main allegation of taking her away forcefully is on petitioner no.1, namely, Vicky Kumar.



6. Considering all the facts and circumstances of the case and also considering that petitioner no.2 happens to be the father of petitioner no.1 and it is not expected that he would act as an accomplice with his own son for an act of kidnapping, I am inclined to extend the privilege of anticipatory bail to petitioner no.2. Let the petitioner no.2, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, East Muzaffarpur in connection with Rampur Hari P.S. Case No. 149 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. Taking into consideration the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Soni Shrivastava, J)

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