

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85673 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- BHAIROGANJ District- West Champaran

Rahul Kumar @ Rahul Kumar Gupta Son of Radhe Shyam Sah R/O Village-
Lakhania Sirji Brahampur Sirisia, Ward No. 13, P.S.- Bhairoganj, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 05-05-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code.

3. In the prosecution case, the First Information Report is that the informant's minor daughter went missing in the night of 8-9.04.2024 and on search on 10.04.2024, he got to know that the petitioner had taken his daughter away with the intention to get married to her.

4. Learned counsel for the petitioner submits that he has been made an accused in the present case only on the basis of suspicion. It has further been submitted that the informant



himself has filed a petition before the Court of 1st A.C.J.M., Bagaha, West Champaran on 27.07.2024, that abduction of the victim girl has not been made by the petitioner and he has taken his name only on the basis of suspicion. After recovery, the statement of the victim girl has been recorded both under Sections 180 and 183 of the B.N.S.S., from a perusal of which it would appear that the victim is aged about 17 years and she has given her statement that she used to talk with one Rahul Kumar and had gone to him at Bhairoganj. She has also stated that she had asked him to get married to her and that she went to Gorakhpur from Bagaha and stayed at his mother's house for a month and then came back to him. It would be clear from such statement that the petitioner is in no way involved in the present occurrence. It has also been recorded during the course of investigation that the victim did not get herself medically examined.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Taking into view the facts and circumstances and also considering the statement of the victim girl, let the petitioner, 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 Judicial Magistrate, 1st Class, Bagaha, West Champaran, in connection with Bhairoganj P.S. Case No. 17 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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