

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89336 of 2024**

Arising Out of PS. Case No.-128 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

Nitish Kumar Ray @ Nitish Kumar Son of Indradev Ray R/O Vill- Hanuman
Nagar, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 23-01-2025 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Mohiuddin Nagar Police Station Case No. 128 of 2023,
dated 18.05.2023, disclosing offences punishable under
Sections 363/366/347 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that the petitioner, along with his family members,
kidnapped the wife of the informant. It has further been
alleged that the wife of the informant had taken away Rs.
90,000/-, jewellery and other costly household articles
with her.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that for the occurrence which has taken place on 06.05.2023, a written report has been filed before the Police Station on 18.05.2023. He further submits that the petitioner and his family members have been made accused in this case merely on the basis of suspicion. He further submits that the petitioner has solemnized marriage with the wife of the informant on 15.05.2023 believing the wife of the informant to be unmarried and when the petitioner came to know about the institution of the present case, he sent back the informant's wife to her home without any delay.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the informant's wife was recovered and from perusal of the impugned order, it is apparent that her statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded, in which she has stated that on 06.06.2023 (sic., 06.05.2023), at about 4 PM, the petitioner called her to Mohiuddin Nagar on the false pretext of accident of her husband and when she reached there, the petitioner, along with others, kidnapped her and



kept her in the house of the petitioner’s sister for one and a half month and used to assault her. She further stated that she anyhow came out of the house and reached her home.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the informant's wife, recorded under Section 164 of the Code of Criminal Procedure, 1973, mentioned in the impugned order, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 7. This application is, accordingly, dismissed

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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