

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50731 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- DIGHWARA District- Saran

Abhishek Kumar Son Of Dhananjay Kumar @ Dhananjay Mahto Resident Of
Village - Rampur Ami, P.S. - Dighwara, District - Saran At Chapra (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP
For the Informant : Mr. K.K. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Dighwara P.S. Case No. 08 of 2024 instituted for the offence
punishable under Section 366(A) of the Indian Penal Code.

3. The case of the prosecution is that one Vivek
Kumar has kidnapped the minor daughter of the informant. It is
alleged that two girls were kidnapped one is named Sapna
Kumari who alighted on Buxar Railway Station and she has
stated that Riya Kumari is going from train to Bangalore.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The only allegation against this petitioner is that he carried the victim to the railway station. The petitioner has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner. During course of investigation, victim has given her statement under section 164 of the Cr.P.C. wherein she has stated that she was on talking terms with this petitioner both were liking each other and she had gone to Bangalore with this petitioner. She has further stated that she has established physical relationship with him with consent. From perusal of the diary it is clear that the victim is minor though from perusal of the medical report, it transpires that her age is 16 to 18. The main thrust of allegation is against this petitioner.

6. Having heard learned counsel for the parties and considering the fact that the main thrust of allegation is against this petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and, as such, his application for bail is rejected.

7. However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below,



without being prejudiced by this order of rejection.

(Ashok Kumar Pandey, J)

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