

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47589 of 2016

Arising Out of PS.Case No. -176 Year- 2016 Thana -FALKA District- KATIHAR

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KAMLESH CHOUDHARY @ KAMLESH KR.CHOUDHARY, Son of
Late Shankar Choudhary, Resident of Village- Tikapatti Chandpur, P.S.
Falka (Pothia) District Katihar. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with Falka
(Pothiya) P.S. Case No. 176 of 2016 registered for the offence
punishable under Sections 364/34 of the Indian Penal Code.

Allegedly, Deepa Devi and her daughter Kanak Kumari
aged one and half years used to be tortured by the petitioner and
others and thereafter, both were kidnapped with intention to kill
them by the petitioner and others.

Submission is of false implication and that this is a case
under Section 498A IPC and colour has been given to kidnapping,
the statement of the victim Deepa Devi has been recorded under
Section 164 Cr.P.C. wherein at last she has stated that demand of
Rs. 2 lakh was made and the statement appears not probable and



reliable that the petitioner being husband kidnapped her and his own daughter and kept them confined in a room for six days, all the allegations appears not reliable and probable and the FIR has been lodged after delay of five days and as such the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that both the victim were kidnapped on Bollero vehicle by the petitioner and were kept confined in a room for six days where Deepa Devi was assaulted brutally and she has shown the sign of wound to the learned Magistrate.

In the facts and circumstances stated above, I am not inclined to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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