

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55022 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -MOHAMMADPUR District- GOPALGANJ

- =====
1. Bikash Sahani @ Bikash Kr. Sahani S/o Indar Sahani
 2. Rakesh Sahani @ Rakesh Kumar Sahani S/o Indar Sahani Both r/o Village Sarotar, P.S. - Dumaripaghat, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 15-01-2018 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Mohammadpur P.S. Case No. 70 of 2016 for the offence punishable under section 366A/34 of the I.P.C.

Allegedly, when Reshu Kumari, the daughter of the informant, went to attend the call of nature at 8 P.M. the petitioners and other co-accused kidnapped her and when she cried then Saroj Singh came but they fled away with her.

Submission is of false implication and that there is no specific allegation against the petitioners, the victim girl is a major



girl and she has been living with her husband, the petitioners have got no concern with the victim girl, FIR has been lodged after delay of 16 days without any cogent reason and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioners by submitting that the victim girl is still traceless and the delay in lodging the FIR is because the informant wanted to cover stigma and shame of the family. The witness Saroj Singh has supported the allegation of kidnapping also being an eye witness.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners and further that the victim girl is still traceless, I am not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M. 1st, Gopalganj.

(Jitendra Mohan Sharma, J)

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