

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10759 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- PATEPUR District- Vaishali

1. Ajeet Ram @ Paro Ram S/o Late Chhotelal Ram R/o village- Patepur, P.S.- Patepur, District- Vaishali
2. Sanjeet Ram @ Kallu Ram S/o Late Chhotelal Ram R/o village- Patepur, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Kishor Sharma, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 06-10-2020 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Patepur P.S. Case no. 317 of 2019 registered for the offence punishable under sections 366A, 363 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the 15 year old minor daughter of the informant disappeared. It subsequently transpired that accused Milan Ram who used to stay next door along with the petitioners herein had kidnapped the informant's minor daughter. This fact was known to the wife of Basant Ram. It is further stated that inappropriate photographs of the informant's daughter had come on the mobile phone of the petitioner no.1 and he had shown the same to other villagers. It was from mobile number of the petitioner no.1 that the photographs had been made viral. It is finally stated that the mother and brother of Milan Ram had stated that Milan Ram



had kept girl with intention of marriage.

It is submitted by learned counsel for the petitioners that the allegations as levelled against the petitioners are false and concocted. They are innocent and have been falsely implicated in the case due to village politics. While the occurrence is stated to have taken place on 16.11.2019, after much delay, information was given to the police only on 27.11.2019 and thereafter the FIR was registered although the police station is at a distance of only about 1 km from the alleged place of occurrence. So far as the mobile number mentioned in the FIR is concerned, it is categorically stated that the same does not belong to the petitioners herein and as such the allegations as levelled against the petitioners of having made any photograph of the informant's daughter viral from the said mobile is also incorrect. It is submitted that from the FIR itself it is evident that it was not the petitioners but co-accused Milan Ram who had kept the informant's daughter with intention of marriage. No material has transpired against the petitioners in course of investigation and the petitioners have no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the material that has transpired in course of investigation, it transpires that the 15 year old minor daughter of the informant was kidnapped by the accused Milan Ram along with the petitioners herein for the purpose of marriage. It further transpires that it was on the mobile of the petitioner no.1 that the



inappropriate photographs of the informant's daughter was circulated. Further, from the case diary it transpires that the minor daughter of the informant has still not been recovered. In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioners on anticipatory bail and as such their application for bail is rejected.

(Partha Sarthy, J)

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