

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18558 of 2020**

Arising Out of PS. Case No.-821 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. JAY SHANKAR CHOUDHARY @ JAI SHANKAR PRASAD S/o Avadhesh Choudhary Resident of Village-Meha, P.S.-Dandari, District-Begusarai.
 2. Bambam Choudhary S/o Arjun Choudhary Resident of Village-Meha, P.S.-Dandari, District-Begusarai.

... .. Petitioners

Versus

1. The State of Bihar
2. Tanuja Kumari D/o Babjan Yadav Resident of Village-Meha, P.S.-Dandari, District-Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-09-2020 Heard learned counsel for the petitioners, Mr. Kumar Veerendra Narayan, learned APP for the State and Mr. Viveka Nand Singh, learned counsel representing complainant-O.P. No. 2.

The petitioners in the present case are seeking pre-arrest bail in Complaint Case No. 821 of 2018 registered for the offences punishable under Sections 120(B), 363, 366(A), 376(A), 379 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that although as per the allegations made in the complaint petition the complainant is aged about 15 years and she is a student of class VIII, the allegations are that the petitioner Jai Shankar Choudhary induced her and kept her four days in his village and thereafter carried her to



Ludhiana and then carried her to Barahiya and Deoghar. It is alleged that the fufera brother of Jai Shankar Chaudhary told her that he will solemnized marriage with her and then further alleged that Jai Shankar Chaudhary used to do bad act with her continuously threatening her to kill.

Learned counsel submits that the entire allegations are false and flimsy. The character of the complainant may be seen from the previous two cases lodged by the parents of the complainant which are Dandari P.S. Case no. 27 of 2018 under Section 363 and 366A IPC and Dandari P.S. Case No. 67 of 2018.

It is submitted that petitioner no. 1 Jai Shankar Chaudhary is her co-villager and due to anger the parents have given the name of petitioner no. 1.

On the other hand, learned APP for the State as well as learned counsel representing the complainant-O.P. No. 2 have jointly opposed the prayer for anticipatory bail of the petitioners. It is submitted that the learned court below has taken cognizance in the complaint case only after going through the materials collected in course of inquiry and in this case at the stage of 202 Cr.P.C. itself the learned Magistrate had called for a report from the police and only after perusal of the entire materials the cognizance has been taken.

It is submitted that along with petitioner no. 1 petitioner no. 2 has also participated in kidnapping of the opposite party no. 2 and the petitioners have got criminal antecedents as stated in



paragraph '3' of the present application.

Having regard to the facts and circumstances of the case, the seriousness of the offences alleged and the kind of materials present on the record and further that the petitioners have criminal antecedents, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

The application stands dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

