

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40728 of 2020

Arising Out of PS. Case No.-368 Year-2020 Thana- MAHUA District- Vaishali

1. Birendra Kumar Singh @ Birendra Singh Son of Shivji Singh Resident of Village - Khashpatti, Chhitwara Kapur @ Chitwara, P.S.- Mahua, District- Vaishali.
2. Fulkeshan Singh Son of Shivji Singh Resident of Village - Khashpatti, Chhitwara Kapur @ Chitwara, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Mahua P.S. Case No. 368 of 2020, registered under Section 366A/34 of the Indian Penal Code.

The prosecution case, in short, is that on the alleged dated of occurrence, the informant's minor daughter aged about 16 years went to Chatwara Chowk to bring domestic articles but she did not return home. During search, the informant came to know that son of her panchayat Sujeet Kumar and co-accused persons named in FIR



have kidnapped her daughter in conspiracy for the purpose of her marriage.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The alleged occurrence is said to have taken place on 24-06-2020. The case was instituted on 01-07-2020. The delay in instituting the FIR has not been explained by the prosecution. No specific allegation has been made against the petitioner.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R. The victim has been recovered and her statement u/S 164 Cr.P.C. has been recorded. There is specific allegation of physical and sexual abuse upon the victim by the petitioners.

Considering the nature of accusation made by the victim in her statement recorded under Section-164 of the Cr.P.C., I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is rejected.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

