

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1641 of 2022**

Arising Out of PS. Case No.-375 Year-2021 Thana- RAXAUL District- East Champaran

1. TABREJ ANSARI Son of Ramjan Ansari Resident of Village- Naukatola, P.S.- Raxaul, Dist- East Champaran.
2. Saheb Ansari Son of Salim Ansari Resident of Village- Naukatola, P.S.- Raxaul, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Raxaul P.S. Case No. 375 of 2021, CIS No. 233 of 2021 registered for the offences punishable under Sections 363, 365, 452, 354, 354B and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

The learned counsel for the petitioners submits that the petitioners are in custody since 23.09.2021, charge-sheet has been submitted in the case and are person with clean antecedent and the informant alleges that he is presently living in a tent along with his family, it is next alleged that petitioners



kidnapped his minor daughter by making her unconscious on 21.09.2021 at about 10 P.M. when the informant was sleeping in his tent along with his family, it is next alleged that his daughter was found in an unconscious state at a distance of 100 yards from his tent, it is next alleged that the victim disclosed to the informant that the petitioners had kidnapped her from the tent with an ulterior motive.

The learned counsel submits that the petitioners have been falsely implicated in the present case, the petitioners and the informant lived in tent side by side and they are in bangle business, it is also submitted that because of business rivalry, the petitioners have been falsely implicated. Learned counsel next submits that though in the FIR it is alleged that the victim was recovered the next morning in an unconscious state but from the statement of the victim recorded under Section 164 of the Cr.P.C. it would manifest that she has stated that the petitioners kidnapped her by making her unconscious and took her to a litchi garden but after regaining consciousness she came back to her tent, thus learned counsel submits that the allegation in the FIR and the statement of the victim recorded under Section 164 of the Cr.P.C. are dichotomic. The learned counsel further submits that even the victim in her statement under Section 164



of the Cr.P.C. has not alleged that she was in any manner sexually assaulted.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 23.09.2021, charge-sheet has been submitted in the case and are person with clean antecedent and the victim has not alleged any sexual assault against them and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raxaul P.S. Case No. 375 of 2021, CIS No. 233 of 2021.

However, the petitioners shall be released after framing of charge.

(Satyavrat Verma, J)

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