

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5060 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- PARAIYA District- Gaya

1. Amit Kumar Son Of Jagdish Prajapat Resident Of Village - Titaiganj, P.S. - Tikari, District - Gaya (Bihar).
2. Vijay Kumar Son Of Satyendra Prajapat Resident Of Village - Sangat Madanpur, P.S. - Madanpur, District - Aurangabad (Police Has Wrongly Mentioned The District As Gaya In The Formal Fir)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1.

Heard learned counsel for the petitioner no.2 and learned APP for the State.

The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 363, 366(A)/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner no.2 is a person with clean antecedent and the informant



alleges that on 21.06.2021 at about 9.00 A.M. while she was going in search of tuition when on the way near a field, two motorcycle borne accused called her and asked her to accompany them on the pretext that one of them is her relative on which the informant opposed, but the accused forcefully took the informant with them and gave water on the way to drink on account of which she became unconscious. It is next alleged that after regaining consciousness, she found herself in an unknown place where the miscreants disclosed their name as petitioner. It is next alleged that thereafter again she was given drugged water and she became unconscious and on 22.06.2021 at about 4.00 A.M. the accused persons including the petitioner came there along with father and other family members of the informant when she was taken to the police station, but she was not in a position to disclose anything about the occurrence.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same is cryptic and vague. It is next submitted that it does not stand to reason as to why the accused persons including the petitioner would have come along with the family members of the informant to fetch her when they themselves had committed the occurrence as alleged. It is next submitted that the informant realizing her mistake has filed a compromise petition as would be evident from pleading made at Para-9. It is also submitted that the informant in her statement recorded under Section 164 of the Cr.P.C.



has not supported the prosecution case.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Paraiya P. S. Case No.133 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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