

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7260 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. SAHID Son of Md. Nahir Resident of Mohalla - Darhia Belar, P.s.-
Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11660 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

1. MD. ISMAIL SON OF MD. BHURI R/O MOHALLA- WARD NO.4
SHAMBHUPATTI, P.S.- MUFFASIL, DISTRICT- SAMASTIPUR
2. MD. HAIDER SON OF MD. HANIF R/O MOHALLA- WARD NO.4
SHAMBHUPATTI, P.S.- MUFFASIL, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7260 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 11660 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court



proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 366A of the Indian Penal Code.

Allegedly, the daughter of the informant has been kidnapped away by the FIR named accused persons for the purpose of selling.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They are not named in the FIR and have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The statement of the victim was recorded u/s 164 Cr.P.C. after more than three months of the occurrence, while she was recovered on 29.05.2021 and before her statement, she had remained with her parents for about 17 to 18 days, in which time, she has been pressurized to support the prosecution case. There is general and omnibus allegation against the petitioners. The medical report of the victim does not corroborate the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for



anticipatory bail and submits that the victim in her statement u/s 164 Cr.P.C. has supported the prosecution case.

Having regard to the facts and circumstances of the case, since the victim has supported the prosecution case, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, the instant applications are dismissed.

(Anjani Kumar Sharan, J)

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