

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14114 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- ITARHI District- Buxar

1. RAMAKANT CHAUHAN Son of Sri Nawas Chauhan Resident of Village - Netpur, P.S.- Itarhi in the district of Buxar.
2. Somariya Devi Wife of Ramakant Chauhan Resident of Village - Netpur, P.S.- Itarhi in the district of Buxar.
3. Upendra Chauhan Son of Ramakant Chauhan Resident of Village - Netpur, P.S.- Itarhi in the district of Buxar.
4. Babita Devi Wife of Upendra Chauhan Resident of Village - Netpur, P.S.- Itarhi in the district of Buxar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366A & 506/34 of the Indian Penal Code.



The daughter of the informant is said to have been kidnapped by the F.I.R. named accused including these petitioners under a deep rooted conspiracy.

The petitioners are quite innocent and have been falsely implicated in this case due to previous grudge. As a matter of fact, petitioners are parents and family members of co-accused Tapeswar Chauhan. The allegations levelled against the petitioners is general and omnibus in nature. The victim is own niece of the petitioners. There is delay of 10 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. It is further submitted that the victim has not supported the prosecution case in her statement made under Section 161 Cr.P.C. As a matter of fact, the victim had love affairs with co-accused Tapeswar Chauhan and she eloped with him and solemnized marriage with him on 24.12.2021 in a temple at Delhi. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am



not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that the victim has not supported the prosecution case in her statement made under Section 161 Cr.P.C.

(Anjani Kumar Sharan, J)

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