

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15620 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. NANDAN KUMAR Son of Ram Sakal Sah @ Sakal Sah @ Sakal Dev Sah Resident of Village- Bhaluhi Khan, P.S.- Sahebganj, Dsitrit - Muzaffarpur.
2. Chandan Kumar @ Chandan Kumar Sah Son of Ram Sakal Sah @ Sakal Sah @ Sakal Dev Sah Resident of Village- Bhaluhi Khan, P.S.- Sahebganj, Dsitrit - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

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

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that his minor daughter, aged
about 17 years, was kidnapped by Jay Chandra Kumar, Nandan
Kumar and Chandan Kumar which was witnessed by some
villagers and labourers working in the field.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. He further submits that though the informant in the FIR alleges that the villagers and labourers saw the occurrence being committed but then the FIR is completely silent as to who were the witnesses who witnessed the occurrence. He next submits that the FIR does not even disclose the date on which the occurrence had taken place. This amply demonstrates that no such occurrence as alleged had taken place or else the informant would have given the date of occurrence in the FIR which creates doubt with regard to the veracity of the allegation as alleged in the FIR. He also submits that the victim has come back and her statement was recorded under Section 164 Cr.P.C. wherein she has disclosed her age as 20 years which amply demonstrates that the informant only with an ulterior reason to falsely implicate the accused persons recorded as alleged in the FIR that she was a minor. He further submits that no offence under Section 366(A) of the Indian Penal Code is made out against the petitioner. He further submits that from perusal of the statement of the victim recorded under Section 164 Cr.P.C., it would manifest that she has not alleged any sexual assault by the accused persons though she has stated that the accused persons had taken her away. Learned counsel next submits that it absolutely does not stand to reason after perusing the statement of



the victim under Section 164 Cr.P.C. that the occurrence would have taken place in the manner it has been stated. He also submits that it absolutely does not stand to reason that when the victim travelled for so long with the accused persons by train why she did not make any hue and cry which further gives an impression that either her statement was made under parental pressure or no such occurrence as alleged had taken place.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Sahebganj P.S. Case No. 393 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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