

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35524 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- JOKIHAT District- Araria

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1. PRASANT KUMAR Son of Munna @ Rajesh Bishwas @ Rajesh Kumar Vishwas Resident of village Tarauna, P.S. Jalalgarh, District - Punea.
 2. SANJEEV KUMAR Son of Vinay Bishwas Resident of village Tarauna, P.S. Jalalgarh, District - Punea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners apprehends their arrest in a case in connection with Joki Hat Mahalgaon P.S. Case No.12/2021, registered for the offence punishable under Sections 363, 366A of the Indian Penal Code.

The crux of the prosecution case is that the informant's sister has been abducted for marriage purpose by one Bhagrath



Bishwas with the help of the petitioners on 31.12.2020 but on 01.01.2021, she was released due to social pressure. It is alleged that again on 06.01.2021, she was abducted by the said Bhagrath Bishwas with the help of these petitioners.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The entire episode took place between 31.12.2020 to 06.01.2021 but the F.I.R. was lodged on 09.01.2021 i.e. with a delay of three days without any plausible explanation, which creates doubt about the prosecution case. The specific overt act is against the co-accused Bhagirath Bishwas. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the petitioners are involved in abducting the informant's sister, which fact is also supported by her in her statement recorded u/s 164 Cr.P.C.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail, as the victim has supported the prosecution case in her statement



u/s 164 Cr.P.C. The prayer for bail of the petitioners named
above is hereby rejected.

Accordingly, the instant application is dismissed.

(Anjani Kumar Sharan, J)

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