

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46938 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- SARAIYA District- Muzaffarpur

Anjani Singh, S/O Late Chandra Narayan Singh @ Jhunna Singh, R/O
Village- Bahilwara Bhual Uttari, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 366, 328, 506, 354/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2020, charge-sheet has been submitted in this case and has antecedent of one case.

The learned counsel for the petitioner submits that the informant alleges that her date of birth is 16.10.2001 and on 01.01.2020, her cousin aunt (Fua) called her at her place at about 6.30 P.M. and when she reached there, she saw two boys were present from before. She identified one boy as Rajesh Kumar, but could not identify the other person. Further alleges



that she drank frooti and became unconscious and when she woke up the next day, she found herself in the house of the petitioner. Further the petitioner disclosed that her aunt had sold her for a hefty sum. Thereafter, she stayed at the petitioner's house till 13.02.2020 and on 14.02.2020, she was taken to Patna where she was kept in a hotel and thereafter, the petitioner got her interviewed at Idea Call Centre on 20.02.2020, thereafter from 23.02.2020, she started working and was staying in the hotel. Further the petitioner made payment for a week to the hotel. Further alleges that her salary was taken by the petitioner on the pretext that the same was to be given to her aunt. Further she became ill and was ousted from the hotel on the pretext of COVID. Thereafter, the petitioner took her to his house where he exploited her physically and mentally. When her grandmother died, she wept and requested the petitioner to send her back, on which he made her talk to her aunt, who reprimanded her, thereafter petitioner also assaulted her.

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 police investigate the cases mechanically even without understanding the legality involved. It is further submitted that it absolutely does not stand to reason



that if the victim alleges that she was kidnapped then how come the present F.I.R. has been instituted by the victim herself.

It is next submitted that had the victim been abducted, then definitely her father as mentioned in the F.I.R. Rajiv Ranjan or any of the family members would have approached the police. It is also submitted that it absolutely defies all logic, wisdom and reasonable administrative behaviour that how come the police in such a manner investigated when the informant herself in the F.I.R. alleges that this petitioner had taken her to Idea Call Centre where she was working and if she was working, nothing prevented her to inform the police or her parents from a call centre. It is further submitted that it absolutely does not stand to reason that the name of the hotel in which the informant was kept is not disclosed in the F.I.R.

The learned counsel thus submits that a person has been made a criminal by an inefficient I.O., who investigated the case equally incompetent Deputy S.P., and the Superintendent of Police, who supervised the case. It is also submitted that had the police been a little more vigilant, then definitely this fact would have come to the fore that the alleged victim of kidnapping herself is coming out after months to lodge a case of kidnapping of herself. The learned counsel thus



submits that it reflects inefficiency of the investigation being carried out by the police.

Learned A.P.P. opposes the bail application, but is not in a position to meet the submission of the learned counsel for the petitioner, but submits that the learned counsel has unnecessarily commented on the competence of the police.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case, charges till date has not been framed and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, 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 Saraiya P. S. Case No.339 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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