

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71936 of 2021

Arising Out of PS. Case No.-196 Year-2017 Thana- BELDOUR District- Khagaria

1. Akshaya Kumar S/o Anant Paswan Resident of Village- Durgapur, P.S.-
Puraini, District- Madhepura.
2. Avinash Kumar S/o Manoj Paswan Resident of Village- Durgapur, P.S.-
Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Beldaur P.S. Case No. 196 of 2017, G.R. No. 2752 of 2017
lodged under Sections 363, 366A/34 of the I.P.C.

As per the prosecution case, the allegation made by
the father of the informant that named accused persons have
kidnapped the daughter of the informant.

Learned counsel for the petitioners submit that from
the contents of the F.I.R., it transpires that this F.I.R. is

absolutely false due to the reason that the F.I.R. is in 2 parts. In first part, the name of 5 persons have been disclosed and thereafter story of another place has been indicated and in the second part, again name has been disclosed including of petitioners which is quit impossible for a person to know.

Learned counsel for the petitioners further submit that in the entire F.I.R., there is no date mentioned that on what date this occurrence took place. He further submits that from the conjoint reading of the F.I.R. and the other materials, it transpires that the entire occurrence took place just within 2 and 3 hours and after 3 hours, the girl was recovered. He further submits that the antecedent of the petitioners are clean and they are in custody since 31.08.2021. Learned counsel for the petitioners submit that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court. On the specific query it submits that charge has also been framed in this case and the informant become hostile.

Learned counsel for the State opposes the prayer for bail and simply submits that allegation of kidnapping is there in the F.I.R. but upon recovery, the girl has made her statement under Section 164 of Cr.P.C. in which she has made allegation not only of kidnapping but of rape also against the present

petitioners.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners but liberty is hereby granted to the petitioners to renew their prayer for bail after lapse of 6 months from today.

The Court is directed to expedite the trial as earliest as possible. If the prosecution witnesses shall not be concluded within 6 months, then the Court is directed to grant bail to the petitioners imposing conditions so that they may not evade from rest period of trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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