

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14865 of 2023**

Arising Out of PS. Case No.-316 Year-2022 Thana- VAISHALI District- Vaishali

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ARUN CHAUDHARY @ ARUN KUMAR S/O GANGA CHAUDHARY
R/v- Daudnagar, P.S. and District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mrs.Bela Singh, Adv.
For the Opposite Party/s	: Mr.Parmanand Prasad, APP
For the Informant	: Mr.Suraj Narain Yadav, Adv.
	Mr.Jata Shankar Jha, Adv.
	Mr.Masoom Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner apprehends his arrest in connection with
Vaishali P.S. Case No.316/2022, registered for the offence
punishable u/s 365, 34 of the IPC.

As per the prosecution case, the husband of the
informant has been kidnapped by the F.I.R. named accused
persons including the petitioner on account of a money dispute.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken



place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that petitioner has given loan to the informant and when he demanded the same back, the informant has filed this false case against the petitioner. In the entire case diary, there is no specific evidence against the petitioner and only in the statement of the victim recorded u/s 164 Cr.P.C., the name of petitioner and other co-accused has been taken with a view to implicate them. Petitioner has no criminal antecedent and one of the similarly situated co-accused has been granted bail by this Court vide order passed in Cr. Misc. No.7066 of 2023 dated 13.04.2023.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the victim has taken name of the petitioner in his statement.

Having regard to the facts and circumstances of the case and considering the statement of the victim u/s 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today



and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, without being prejudiced of the dismissal of this case, considering that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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