

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16248 of 2023

Arising Out of PS. Case No.-1047 Year-2022 Thana- KHAGARIA District- Khagaria

1. CHANDAN YADAV S/o Mithilesh Yadav @ Khakhren Yadav Resident of Village-Barkhandi Tola, Police Station-Muffasil, District-Khagaria
2. ANIL YADAV S/o Mithilesh Yadav @ Khakhren Yadav Resident of Village-Barkhandi Tola, Police Station-Muffasil, District-Khagaria
3. NILAM DEVI W/o Chandan Yadav Resident of Village-Barkhandi Tola, Police Station-Muffasil, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2, submitting that during pendency of this application petitioner no.2 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in



respect of petitioner no.2 only.

Now this application survives for 1 & 3 only.

Allegedly, petitioners are said to have enticed the informant's minor daughter and kidnapped her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation of kidnapping against one Sanjeev Yadav. It is further submitted that the statement of the victim under Section 164 Cr.P.C. has been recorded, in which she has not supported the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of the case as well as the statement of the victim u/s 164 Cr.P.C., the above named petitioner nos. 1 & 3 be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Khagaria (Muffasil) P.S. Case No. 1047 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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