

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18438 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- RAMGARHWA District- East
Champaran

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SHEIKH NAZIR S/O- SHEIKH BHUTELI Village- Belashpur Ps-
Ramgarhwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Ramgarhwa P.S. Case No.146/2022, registered for the offence
punishable u/s 366A/34 of the IPC, section 8 of the POCSO Act
and section 3(1)(w)(i) of the SC/ST Act.

As per the prosecution case, the petitioner and other F.I.R.
named accused persons are said to have kidnapped the daughter
of the complainant. When the complainant went to the house of
accused Md. Ehsan Sheikh Jawed, his family members abused
her by caste name.

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. No such occurrence, in the



manner as alleged, has ever taken place. It is submitted that the alleged date of kidnapping of the daughter of the informant is 17.04.2022 but the F.I.R. has been lodged on 08.05.2022 i.e. after delay of more than 20 days and no plausible explanation regarding this delay has been given, which itself creates doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and two accused persons in the F.I.R. to kidnap the minor daughter of the informant.

Having regard to the facts and circumstances of the case and considering the nature of allegation, 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.

(Anjani Kumar Sharan, J)

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