

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32620 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- PAROO District- Muzaffarpur

1. Amarjeet Kumar @ Rajesh Kumar Son Of Arun Rai Resident Of Village - Koiriya Jagir, P.S.- Paroo, District- Muzaffarpur.
2. Raushan Kumar Son Of Shiv Mangal Rai Resident Of Village - Koiriya Jagir, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam
For the Informant	:	Mr. Upendra Kumar Chaubey.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-03-2023 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366(A), 504 and 506/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all the accused persons are said to have kidnapped the daughter of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that the occurrence took place on 16.11.2021 but the FIR lodged on 19.11.2021



after delay of three days without any explanation of it. He further submits that not only this FIR was sent to the learned concerned court on 30.11.2021 which creates serious doubt about the prosecution case. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State along with learned counsel for the informant vehemently opposing the bail application and submit that there is specific allegation against the petitioner no.1 and this fact is also supported by statement of the victim recorded under Section 164 Cr.P.C. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail in connection with Paroo P.S. Case No. 448 of 2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

Insofar as petitioner no.2 is concerned, there is general and omnibus allegation levelled against the petitioner no.2 and this fact is also not denied by the learned counsel for the informant, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail,



on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Paroo P.S. Case No.448 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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