

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39279 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Sunil Kumar Rajbanshi @ Chhota Bhola @ Sunil Kumar @ Sunil Kumar Rajvanshi Son Of Arjun Rajbanshi @ Arjun Rajvanshi Resident Of Village- Majhagawa, Ps- Wazirganj, District- Gaya
2. Sunil Rajbanshi @ Bara Bhola @ Anil Kumar Rajbanshi @ Anil Kumar Son Of Arjun Rajbanshi @ Arjun Rajuanshi Resident Of Village- Majhagawa, Ps- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Wazirganj P.S. Case No. 104 of 2022 registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code pending in the Court of learned Additional Chief Judicial Magistrate 1st Class, Gaya.

3. As per the prosecution case, the allegation against the petitioners is that they along with other accused persons have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that in fact love affair is going in between the victim and petitioner no. 2. He further submits that no any witnesses have supported the allegation against the petitioner. The petitioners have no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that this case has been found true U/s 376(D)-B/34 of the IPC and 4/6 of the POCSO Act against the petitioners. Hence, this application is not maintainable under Section 438(4) of the Cr.P.C.

6. Considering the facts and circumstances of case and the fact that this application is not maintainable under Section 438(4) of the Cr.P.C. accordingly, this application stands dismissed as infructuous.

(Anjani Kumar Sharan, J)

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