

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45498 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- GARKHA District- Saran

1. ROUSHAN SINGH @ CHHOTU S/O MANISH KUMAR SINGH @
BISHWAJIT SINGH R/O VILLAGE- MAIKI, PS. GARKHA, DIST.
SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Ban Bihari Singh, Advocate
For the Opposite Party/s	:	Mr.Kumar Ranjit Ranjan, APP
For the informant	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 06-09-2023 1. Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Garkha PS case no. 177 of 2023, registered
for the offences punishable under Section 364/34 of the Indian
Penal Code.
3. The case of the prosecution in brief, according to
the informant, is that on 05.04.2023 at about 12.00 hours, when
his wife had gone to attend to nature's call, the petitioner herein
and two other co-accused persons had forcibly kidnapped her
and when she had raised an alarm, her mother-in-law, sister-in-
law and her husband had arrived there, however, the accused
persons including the petitioners herein had forcibly made the



wife of the informant sit in a red-coloured vehicle, whereafter they had fled away along with the wife of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner is an accused in three other cases. It is next submitted that the main accused in the present case is one Rohit, who is stated to be face-book friend of the wife of the informant and they had become good friends during the course of time. It is also submitted that earlier also, the wife of the informant had fled away with one another person, hence the petitioner has been falsely implicated in the present case.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the materials available in the case diary that the complicity of the petitioner in the alleged occurrence is writ large from the records and in fact, the police, upon investigation, has also found him *prima facie* guilty of the offence committed by the accused persons. It is also submitted by referring to the statement of the victim girl, made under Section 164 Cr.P.C., before the Ld. Magistrate that specific allegation has been levelled against the petitioner of kidnapping the informant's



wife and taking her in a car to Akhtiyarpur Chowk, whereafter she was taken to Marudih village (Jharkhand), where she was kept at the house of one Rohit Sao, who had then forcibly established physical relationship with her.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, including the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, the complicity of the petitioner in the alleged occurrence is writ large and *prima facie*, he is responsible for commission of the offence alleged *qua* him, hence, I do not find the present case to be atleast a case for grant of anticipatory bail, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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