

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43320 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- CHHATAUNI District- East Champaran

Sipahi Kumar Son Of Nishu Mahto Resident Of Village- Bada Bariyarpur, Ps-
Chhatauni, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Chhatauni P.S. Case No. 352 of 2022 registered for the
offences punishable under Sections 363, 365, 366, 120(B) and
34 of the Indian Penal Code read with Section 8 of the POCSO
Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 02.07.2022 at 4.00 pm, his daughter had gone for
coaching alone and when she did not return till 6.00 pm, then
his nephew disclosed that his daughter was called by the
Director of the coaching institute alone for teaching on



02.07.2022, it is next alleged that one day before, one Deen Bandhu Rai and his wife asked the name and timing of the coaching institute of his daughter, it is further alleged that on account of land dispute, Deen Bandhu Rai had threatened to kidnap his daughter and thus raises suspicion on all the accused persons that they might have kidnapped his daughter.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is Director of the coaching institute where the victim was studying, it is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged suspicion on several accused persons for committing the occurrence of kidnapping his daughter. Learned counsel submits that the victim has come back and her statement was recorded under Section 164 of the Cr.P.C. wherein she has not raised any suspicion even against the petitioner and other accused persons rather she has stated that while she was standing outside the coaching institute, some unknown persons came and made her unconscious and thereafter when she regained consciousness, she found herself in the room and saw door of the room opened and thereafter with the help of the neighbour, she came to the



police station from where she was sent to remand home.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatauni P.S. Case No. 352 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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