

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43353 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- KOPA District- Saran

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1. RAHUL KUMAR SON OF LATE BIKARMA RAM R/O VILLAGE-HATHISAR, P.S.- MARHAWRAH, DISTRICT- SARAN AT CHAPRA
 2. JITENDRA RAM SON OF BAIJNATH RAM R/O VILLAGE-HATHISAR, P.S.- MARHAWRAH, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr Singh No.1,Adv.
For the Informant	:	Mr.Rananjay Kumar, Adv.
		Mr. Harish Bhandri Patel, Adv.
For the State	:	Mr. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-01-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

The petitioners seek bail in connection with B.P. No. 775 of 2022 arising out of Kopa P.S. Case No. 47 of 2021 registered for the offences punishable under Sections 366/34 of the Indian Penal Code.

As per prosecution case, there is allegation that petitioners and others abducted informant's daughter on the point that informant met an accident and calling her name repeatedly and thereafter she left with the petitioners and others.

Learned counsel for the petitioners submits that



petitioners are in custody since 09.04.2022 and bear no criminal antecedent. He further submits that petitioners are quite innocent and have committed no offence as alleged against them in FIR and they have been falsely implicated in the present case. Learned counsel for the petitioners submits that the victim has gone outside of her house by her own will or no such type of occurrence has ever taken place but a false and concocted case has been lodged. He further submits that petitioner no. 1 Rahul Kumar is a salaried person and the informant was willing to solemnized the marriage of victim with petitioner no. 1 but due to some reason the marriage was not solemnized then a false case has been lodged.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners by contending that under Section 164 of Cr.P.C. victim clearly stated that her consent was taken on the point that her mother met an accident and calling her name repeatedly and when she accompanied with the petitioners and others, Samosa was provided to her by them and after consuming Samosa she became faint and after regaining her consciousness she found herself in close room.

Considering the facts and circumstances of the case,



nature of allegation levelled against the petitioners coupled with statement of victim recorded under Section 164 of Cr.P.C. as well as material available on record, I am not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners is hereby rejected.

However, the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, petitioners may renew his prayer for bail.

(Alok Kumar Pandey, J)

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