

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51091 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- BALIYA District- Begusarai

1. Akhilesh Kumar Bharti @ Akhalesh Kumar Bhartee @ Akhlesh Kumar Son Of Shivchandra Paswan Resident Of Village - Ambedkar Nagar, Balia, Lakhminian, Begusarai, P.S. - Balia, Distt. - Begusarai
2. Abhishek Kumar @ Rupesh Kumar Son Of Shivchandra Paswan Resident Of Village - Ambedkar Nagar, Balia, Lakhminian, Begusarai, P.S. - Balia, Distt. - Begusara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Suman, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Balia P.S. Case No. 239 of 2022 dated 01.09.2022, instituted for the offence punishable under Sections 363, 366A, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 28.08.2022, when the informant's daughter (minor) had gone to her tuition at about 06:30 am, she was kidnapped by an accused namely Prince Kumar along with petitioners.

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



this case. It is further submitted that as per the F.I.R. the main allegation is against one co-accused Prince Kumar, who is also minor and petitioners are maternal uncle of Prince Kumar. Prince Kumar is also missing and grandfather of main accused Prince Kumar has filed a complaint case before the Special Court SC/ST Begusarai on 13.09.2022 *vide* C.C. No. 72 of 2022 and Special Court SC/ST Begusarai passed an order to the concerned thana for lodging the F.I.R. under Section 156(3) of the Cr.P.C. but till date no F.I.R. has been lodged. Learned counsel for the petitioner further submits that another Co-accused namely Shivchandra Yadav, who is the maternal grandfather of Prince Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* Criminal Miscellaneous No. 26325 of 2023 by an order dated 12.05.2023 wherein, there is a specific direction to the Superintendent of Begusarai to take all steps to recover the two minor children and the petitioners will co-operate in the investigation despite that no recovery was made till date. Lastly, it has been submitted that the petitioners have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Balia P.S. Case No. 239 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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