

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53852 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- RAUTA District- Purnia

1. MUBARAK @ MOBARAK S/O ASFAK @ AFAK @ AFAK ALAM R/O VILLAGE- CHANNI, PS. RAUTA, DISTT. PURNIA
2. ASFAK @ AFAK @ AFAK ALAM S/O YUNUS MARHUM R/O VILLAGE- EKGACHHIA TOLA, SONAMANI, PS. AMAUR, DISTT. PURNIA
3. MASMIN W/O ASFGAK @ AFAK @ AFAK ALAM R/O VILLAGE- EKGACHHIA TOLA, SONAMANI, PS. AMAUR, DISTT. PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rauta P.S. Case No. 180 of 2022, registered for the offences punishable under Sections 363 (A), 364, 364 (A), 120 (B)/ 34 of the Indian Penal Code.

3. As per the allegation, the complainant/informant was residing in a rented lodge along with his twelve years son. The informant was a hawker and was engaged in business of selling spices. The accused persons were also residents of the same lodge and as per the allegation, they were engaged in some



illegal activities of selling smack and *ganja*. The informant used to protest, whereupon they threatened him to face dire consequences and also to kidnap his son. The accused persons including the petitioners had kidnapped the son of the informant who is still traceless.

4. The learned counsel for the petitioner has submitted that the petitioners are innocent and have falsely been implicated in this case. There is nothing against them in the entire case diary except suspicion.

5. On the other hand, the learned APP, Shri J.N Thakur and the learned counsel for the informant have submitted that the victim is still traceless and there is allegation in the complaint itself that prior to the occurrence, the accused persons had threatened the informant to kidnap his son, when he opposed the illegal activities of the petitioners. The witnesses in Paragraph Nos. 5, 6 and 7 are the residents of the same lodge and they have supported the occurrence.

6. In my view, the petitioners do not deserve privilege of bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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