

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54176 of 2023

Arising Out of PS. Case No.-75 Year-2017 Thana- DARPA District- East Champaran

1. Babu Khan S/O Saphik Khan R/O Village- Pakadiya, Paithan Patti, Ps. Darpa, Dist. East Champaran, Motihari
2. Sahana Khatun W/O Babu Khan R/O Village- Pakadiya, Paithan Patti, Ps. Darpa, Dist. East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Darpa P.S. Case No. 75 of 2017 registered for the offences punishable under Section 363, 366, 379/34 of the Indian Penal Code pending in the Court of learned S.D.J.M., Raxaul at Motihari, East Champaran.

3. As per the prosecution case, allegation on the petitioners is that they along with other co-accused persons kidnapped the wife of the informant.

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



this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 68665 of 2022. He also submits that the main accused namely, Azam Khan, has already been acquitted in this case. The petitioners have no criminal antecedents as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the statement of the victim was recorded u/s 164 of the Cr.P.C., in which she has supported the prosecution case. Hence, they does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the



same day in accordance with law without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

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