

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57585 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- MIRGANJ District- Gopalganj

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1. PRAVEEN KUMAR PRASAD S/O VERMA PRASAD R/O VILLAGE-MIRGANJ, WARD NO.-2, P.S-MIRGANJ, DISTT.-GOPALGANJ
 2. AMIT KUMAR S/O LATE UMASHANKAR PRASAD R/O VILLAGE-MIRGANJ, P.S- MIRGANJ, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anirudh Kumar Verma, Adv. Mr.Vyas Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Ahmad Ali, APP
For the Informant	:	Mr.Lokesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-10-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 363, 366(A) of the IPC.

3. As per the prosecution case, informant alleged that co-accused Shashi in association of other co-accused kidnapped her minor daughter.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature.



It is submitted that petitioners are not named in the F.I.R. and there a land dispute between the parties, due to which, the present case has been filed by the informant. It is submitted that the victim has not taken the name of petitioners in her statement recorded u/s 161 Cr.P.C. though she has supported the prosecution case in her statement u/s 164 Cr.P.C., which shows that there is a contradiction in her statement. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that anticipatory bail petition of one of the co-accused namely Ravi Prasad Gupta has been rejected by this Bench on 03.02.2023 in Cr. Misc. No.73370 of 2022.

6. Having regard to the facts and circumstances of the case and on perusal of the record, it appears that the victim has not stated the name of petitioners in her statement recorded u/s 161 Cr.P.C. but later on before the Magistrate, she took the name of the petitioners in her statement u/s 164 Cr.P.C. and it is an admitted fact that there is land dispute between the parties. It has been submitted on behalf of the petitioner that the co-accused whose bail application was rejected was named in the F.I.R. but the petitioners are not named in the F.I.R.



7. Considering that there is contradiction in the statement of the victim, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each 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 Mirganj P.S. Case No.257/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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