

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55796 of 2023

Arising Out of PS. Case No.-60 Year-2016 Thana- MAHESHKHUNT District- Khagaria

1. Imran Khan S/O- Amiruddin Khan Village- Salabatganj Pachchimpada Ps- Manikchak Dist- Malda W.B
2. Kaji Khan @ Kaji Nazrul Islam Son Of Amiruddin Khan Village- Salabatganj Pachchimpada Ps- Manikchak Dist- Malda W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh
For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 364/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners are said to have kidnapped Sagar Narang.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioners. He further submits that there is no case made out under Section 364/34 of the Indian Penal Code. He submits that



there is no material available in the case diary against the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which the victim has supported the prosecution case. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the statement of the victim was recorded under Section 164 Cr.P.C. in which the victim had supported the prosecution case, I am not inclined to enlarge the petitioners on bail in connection with Maheshkhunt P.S. Case No. 60/2016. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

