

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56091 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KESARIA District- East Champaran

1. BHAGWAN SAHANI S/O LATE ADALAT SAHANI Resident of Village- Konhiya, P.S.- Kesariya, District- East Champaran.
2. VIJAY SAHANI @ VIJAY KUMAR SAHANI S/O BHAGWAN SAHANI Resident of Village- Konhiya, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-01-2023 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioners and the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Kesariya P.S. Case No. 61 of 2022 under
sections 341, 323, 363, 366A, 34 of the Indian Penal Code and 8
of the POCSO Act.

At the outset, learned counsel for the petitioners
submit that the petitioner no.1 has since been arrested and as
such the petition against him has become infructuous.

The allegation in the FIR is of kidnapping



informant's daughter by Arvind Kumar Sahani in which the allegation against the petitioner no.2 is of helping him in the said kidnapping.

The learned APP submits that till date the girl has not returned.

Taking into account the fact that the girl has still not returned and allegation is against the petitioner no.2 of helping Arvind Kumar Sahani in kidnapping of the informant's daughter, certainly this is not a fit case for grant of anticipatory which is accordingly rejected.

(Rajiv Roy, J)

Ravi/Ajay Singh

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