

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62748 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- KANTI District- Muzaffarpur

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RAUSHAN KUMAR @ SONU @ SONU SRIVASTAVA S/O DIPAK
KUMAR VERMA R/O VILLAGE- KANTI, WARD NO. 03, P.S- KANTI,
DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms.Smita Kumari, Adv.
For the Opposite Party/s :	Mr.Sanjay Kumar Sharma, APP.
	Mr. Abhishek Kumar, Adv.
	Mrs. Rashmi Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code.

3. The allegation against the petitioner is that he along with other co-accused persons kidnapped the minor daughter of the informant and killed her.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Both the parties are co-villagers. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The informant has lodged the present case against the petitioner due to prior



enmity. There is admitted land dispute between the parties. It is further submitted that informant, in his written statement, has given thumb impression instead of putting her signature, which creates doubt. There is inordinate and abnormal delay of two days in filing the present case without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that the informant's daughter is still traceless. They further submit that there is serious allegation against the petitioner, hence he does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as victim is still traceless, I am not inclined to enlarge the petitioner on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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