

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66894 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- GORIAKOTHI District- Siwan

SANJAY YADAV Son of Bira Yadav Resident of Village - Saidpura, P.S.-
Goreakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raghav Prasad, Adv
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP
	Mr. Bijay Prakash Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-01-2023 Heard the parties.

The petitioner apprehend his arrest in connection with Goreakothi P.S. Case No.123 of 2022, registered for the offence punishable under sections 366(A)/34 of the Indian Penal Code.

The allegation against the petitioner is that he alongwith other co-accused persons have kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The occurrence took place on 16.06.2022 and the FIR was lodged on 21.06.2022 i.e. after a delay of 11 days, without giving any plausible explanation regarding the said delay which creates a serious



doubt over the genuineness of the prosecution story. He submits that on 22.06.2022, the victim appeared before Goreakothi police station and gave her statement under section 161 Crpc and stated that she was not kidnapped by anyone rather she herself left the house and went to her maternal aunt's house. After that, she in her statement recorded u/s 164 Cr.Pc stated that the petitioner alongwith other co-accused persons have kidnapped her and forced her to sit on the bike on gun point. He further submits that there is a contradiction between the statement of victim recorded u/s 161 Cr.PC and 164 Cr.PC. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the victim girl is minor, which is clear from the impugned order itself.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this bail application is dismissed.

(Anjani Kumar Sharan, J)

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