

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70988 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Harendra Patel S/O Late Bhukhal Patel R/O Village- Shrinagar, P.S- Shrinagar, Distt.- West Champaran.
2. Rambha Devi W/O Harendra Patel R/O Village- Shrinagar, P.S- Shrinagar, Distt.- West Champaran.
3. Lalan Patel S/O Chitaman Patel R/O Village- Shrinagar, P.S- Shrinagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2023 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 offence punishable under Sections 341, 323, 366(A), 504 and 506/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act pending in the learned court below.

3. As per the prosecution case, the minor daughter of the informant was kidnapped by the co-accused Raju Kumar Patel with the help of petitioners and with mala-fide intention of marriage. The victim girl was recovered but again kidnapped by Raju Kumar Patel with the help of these petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case.



He further submits that petitioner no.1 is the father and petitioner no.2 is mother of the co-accused Raj Kumar Patel and petitioner no.3 is uncle of the Raj Kumar Patel. He submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case. He further submits that petitioner no.1 has got two criminal antecedents and petitioner nos.2 & 3 have got one 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 allegation levelled as the petitioners is serious in nature. Hence, they do not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Yogapatti (Sinachari O.P.) P.S. Case No. 270 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks 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)

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