

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7531 of 2023**

Arising Out of PS. Case No.-127 Year-2019 Thana- KHAJANCHI HAT District- Purnia

GAUHAR ALAM S/O RAISH Resident of village- Fariyani, P.S.- Srinagar,
District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in K. Hat P.S.
Case No. 127 of 2019 registered for the offences punishable
under Section 366A of the Indian Penal Code pending in the
Court of learned Chief Judicial Magistrate, Purnea.

The petitioner in association of other co-accused is
said to have kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case. It is further submitted that the
petitioner has neither kidnapped the victim girl nor he is
involved in the aforesaid alleged occurrence from any corner.
The allegation levelled against the petitioner is not specific



rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that the victim girl in her statement recorded under Section 164 Cr.P.C. has fully supported the prosecution case. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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