

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21237 of 2024**

Arising Out of PS. Case No.-138 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

Md. Shahan Shah @ Shanshah S/o Md. Aslam @ Md. Asalam R/o vill -
Nadai, P.s. - Biraul, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-04-2024 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kusheshwar Asthan P.S. Case No.138 of 2021, F.I.R. dated 12.07.2021 registered for the offence punishable under Sections 363, 366, 366(A), 34 of the Indian Penal Code.

3. Allegation against the petitioner is that petitioner kidnapped the minor daughter of the informant with the help of other accused persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. Further submits that from perusal of the FIR, it appears that the present occurrence had taken place on 04.05.2021 but the FIR has been instituted on 12.07.2021, after



delay of two months nine days without giving any explanation of delay.

5. Learned APP for the State, on the other hand vehemently opposes the prayer for anticipatory bail of the petitioner stating that the victim has fully supported the prosecution and statement of the victim recorded under Sections 164 of the Cr.P.C., in which the informant has fully supported the case of the prosecution and categorically stated that the petitioner had kidnapped her and has narrated the details about the occurrence and apart from that she has also stated that the petitioner took the victim to Delhi and thereafter took away the victim to Ludhiana.

6. Considering the aforesaid facts, I am not inclined to giving privilege of anticipatory bail to the petitioner in connection with Kusheshwar Asthan P.S. Case No.138 of 2021 pending in the court of learned Sessions Judge, Darbhanga, Camp Court, Benipur

7. Prayer is refused

(Rajesh Kumar Verma, J)

Prakash Narayan

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