

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32432 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- MAHILA P.S. District- Samastipur

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1. Chandan Choudhary @ Chandan Kumar Son Of Ashok Chaudhary Resident Of Village- Ganesh Chowk, Arya Samaj Road, Near Canara Bank, Ward No. 18, Ps- Samastipur Town, Dist- Samastipur
 2. Lakshmi Choudhary @ Moushmi Kumari @ Moushmi Kumar Wife Of Chandan Choudhary @ Chandan Kumar Resident Of Village- Ganesh Chowk, Arya Samaj Road, Near Canara Bank, Ward No. 18, Ps- Samastipur Town, Dist- Samastipur
 3. Kanti Devi Wife Of Ashok Choudhary Resident Of Village- Ganesh Chowk, Arya Samaj Road, Near Canara Bank, Ward No. 18, Ps- Samastipur Town, Dist- Samastipur
 4. Ashok Choudhary Son Of Late Sachidanand Choudhary Resident Of Village- Ganesh Chowk, Arya Samaj Road, Near Canara Bank, Ward No. 18, Ps- Samastipur Town, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Miss Xxxx Daughter Of Bablu Choudhary Resident Of Village- Near Prayas Institute Near Mathurapur, Ward No 12 Ps- Warisnagar, (mathurapur Op), Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey
For the State	:	Mr. Sanjay Kumar Singh
For the O.P. No. 2	:	Mr. Satendra Kumar Nirmal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 02-12-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioners apprehend their arrest in
Samastipur Mahila P.S. Case No. 96 of 2023 registered for the
offences punishable under Sections 366A, 323, 406, 307, 120B,
341, 379, 504 of the Indian Penal Code and Sections 16, 17 and



18 of the POCSO Act.

3. As per the prosecution case, the allegation against the petitioners is that they tried to kidnap the victim with common intention to sell her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioner nos. 1 and 2 are maternal uncle and maternal aunt of the victim and petitioner nos. 3 and 4 are maternal grandfather and maternal grandmother of the victim. He submits that there is no specific overt act against the petitioners. The petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the opposite party no. 2 opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender 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, considering the fact that the petitioners have no criminal antecedent.

(Anjani Kumar Sharan, J)

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