

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45781 of 2024

Arising Out of PS. Case No.-177 Year-2022 Thana- DEWARIA District- Muzaffarpur

Rohit Kumar S/o Bipin Sahani R/o vill - Mohabbatpur, P.S. - Deoriya, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47824 of 2024

Arising Out of PS. Case No.-177 Year-2022 Thana- DEWARIA District- Muzaffarpur

VIKRAM KUMAR S/O RAM NARESH SAHANI @ NARESH SAHNI R/O VILLAGE- MOHABBATPUR, P.S- DEORIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 45781 of 2024)
For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 47824 of 2024)
For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 330-08-2024
1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Dewaria P.S. Case no. 177 of 2022 registered under sections 363, 366A and 34 of the Indian Penal Code.



3. As per the prosecution case, the informant states that his seventeen year old minor daughter who had gone out to fetch wood did not return. On search it transpired that the three named accused persons including the two petitioners herein had kidnapped her. The informant apprehends that she may also be sold.

4. Learned counsel for the petitioner in Cr. Misc. no. 45781 of 2024 submits that the petitioner has been falsely implicated in the case because of land dispute between the parties. There is unexplained delay of two days in lodging of the F.I.R. The daughter of the informant returned and her statement was recorded under 164 Cr.P.C wherein no allegation of any objectionable behaviour has been made against this petitioner. The petitioner is in custody since 4.4.2024 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. Learned counsel for the petitioner in Cr. Misc. no. 47824 of 2024 submits that besides the submissions made in the connected case, the petitioner is in custody since 8.4.2024 and charge-sheet has been submitted in the case. This petitioner also has no criminal antecedent.

6. The application for bail is opposed by learned APP for the State.



7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R and the contents of the statement of the minor daughter of the informant under section 164 Cr.P.C wherein she has made specific allegation of being kidnapped by these two petitioners, the Court is not inclined to enlarge the petitioners on bail and the applications are rejected.

8. Taking into consideration the totality of the statement of the victim under section 164 Cr.P.C, liberty is granted to the petitioners to renew their prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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