

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51372 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- FATUA District- Patna

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1. RAJESH CHAUDHARY SON OF PRAKASH CHAUDHARY R/O- VILLAGE- SAIDPUR, P.O.- P.S.- FATUHA, DISTT.- PATNA
 2. RAKHI DEVI WIFE OF RAJESH CHAUDHARY R/O- VILLAGE- SAIDPUR, P.O.- P.S.- FATUHA, DISTT.- PATNA
 3. KOMAL KUMARI D/O- RAJESH CHAUDHARY R/O- VILLAGE- SAIDPUR, P.O.- P.S.- FATUHA, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Surendra Kumar Mishra, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Heard learned counsels for the parties.

2. Petitioner No. 3 has already been granted the privilege of anticipatory bail vide earlier order dated 21.08.2024.

3. Petitioner Nos. 1 and 2 apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 363, 366A, 120B and 504 of the Indian Penal Code.

4. As per prosecution case, co-accused Vishal Kumar kidnapped minor daughter of informant and when informant went to make complaint in this connection at his house, all the F.I.R. named accused persons, including these petitioners,



abused and assaulted him.

5. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that specific accusation of kidnapping is against co-accused Vishal Kumar. These petitioners have falsely been implicated in this case merely because they happen to be relatives of co-accused Vishal Kumar. There are general and omnibus allegations against these petitioners. Moreover, the victim in her statement recorded under Section 164 of the Cr.P.C. has denied the prosecution case and has categorically stated that she left her house out of her own volition and no one has kidnapped her. Petitioners claim clean antecedents.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

7. Considering the aforesaid facts and circumstances, nature of accusation, statement of the victim recorded under Section 164 of the Cr.P.C. and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1 and 2 is allowed.

8. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named
Petitioner Nos. 1 and 2 be enlarged on bail on furnishing bail-
bond of Rs. 10,000/- (ten thousand) each with two sureties of
the like amount each to the satisfaction of learned A.C.J.M. Ist,
Patna City, in connection with Fatuha P.S. Case No. 90 of 2024,
subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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