

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58340 of 2023**

Arising Out of PS. Case No.-125 Year-2023 Thana- RAXAUL District- East Champaran

Anil Kumar Singh @Anil Singh S/O- Anutha Singh R/O- Village- Dumri  
P.S.- Ramgarhwa, Dist.- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar, Patna
2. Ms. X NA NA

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate  
For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

8      27-02-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Raxaul P.S. Case No. 125/2023, lodged on 10.03.2023 under  
Section 366A/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been  
lodged against six named accused persons including the present  
petitioner alleging therein that they kidnapped the daughter of  
the informant.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. The  
recovery of the alleged victim has been made. The petitioner is  
in custody since 31.03.2023 having clean antecedent. Learned



counsel for the petitioner further submits that in fact the petitioner is not the person against whom the FIR has been lodged as the FIR has been lodged against Anil Kumar but his father's name has not been given and the address mentioned in the FIR is Village- Mangalpur, Patni whereas the address of the petitioner is Village - Dumari, P.S. Ramgarhwa, District- East Champaran. He further submits that the name of the father of other co-accused persons namely Ajay Kumar and Vijay has been given as Anil Singh when the petitioner has no concerned with the said accused persons. A specific statement to that effect has been made in paragraphs No. 8 and 9 respectively. There is no direct allegation levelled against the petitioner rather it has been levelled against one co-accused namely, Jai Prakash Yadav who has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2023 passed in CrI Misc. NO. 37495 of 2023.

5. Learned counsel for the State opposes the prayer for bail and after going through the case diary he submits that the victim after recovery got her statement recorded under Section 164 of the Cr. P.C. which has been inserted in paragraph 92 of the case diary. Upon perusal of said paragraph, it transpires that the victim has directly made allegation against



the present petitioner that he is involved in her kidnapping and used to torture her.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Raxaul P.S. Case No. 125/2023, pending before the learned 7<sup>th</sup> Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran is hereby rejected.

9. However, the trial Court is directed to verify from the record that whether the petitioner is the same person against whom the FIR has been lodged or not.

10. With this observation, the bail application stands disposed off.

**(Dr. Anshuman, J)**

Ashwini/-

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