

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60914 of 2024

Arising Out of PS. Case No.-87 Year-2021 Thana- MAIN P.S. District- Gaya

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1. Om Prakash Kumar S/o Awadhesh Sharma R/o Village- Chadhata , P.s. - Main , District - Gaya
 2. Jay Prakash Kumar S/o Bashanti Sharma R/o Village- Chadhata , P.s. - Main , District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the State	:	Mr. Ganesh Prasad Singh, A.P.P.
For the Informant	:	Mr. Manish Kr. No. 2, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-10-2024 Heard Learned Counsel for the petitioners, Learned
A.P.P. for the State and Learned Counsel for the Informant.

2. The petitioner is apprehending arrest in connection with Main P.S. Case No. 87 of 2021, lodged on 01.11.2021, under Sections 147, 149, 341, 323, 379, 354, 354B, 365, 506 of the Indian Penal Code.

3. As per the prosecution case, the informant has lodged this case alleging that in total 12 accused persons had stopped the vehicle of the informant and kidnapped her son and threatened that if case shall be filed then they shall kill the informant's son.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that both the informant and accused persons



are resident of the same village and they are well-known to each other. Counsel submits that the present FIR has been lodged only with a view to create defense in their favor due to the reason that the daughter of the accused person, namely, Awadhesh Sharma had filed a criminal case against the informant's son alleging that he along with other persons want to outrage her modesty for which case has been lodged under the provisions of the Indian Penal Code vide Gaya Sadar, Main P.S. Case No. 86 of 2021 for the crimes took place at 7:30 AM, whereas the case filed by the informant is Gaya Sadar, Main P.S. Case No. 87 of 2021 for the crimes took place at 8:30 AM. Counsel submits that from perusal of both the Annexures annexed as Annexures P/1 and P/2, it become crystal clear that the case filed by the informant is only with a view to create defense from the case filed by the daughter of the accused No. 1 (Annexure P/2). Counsel further submits that the antecedent of the petitioners are not clean, both the petitioners have two criminal cases pending in which in one case police has submitted final form and in another case the petitioners are on bail.

5. Learned Counsel for the State opposes the prayer for bail.



6. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the alleged victim informant's son was recovered and he had narrated her statement before the Magistrate under Section 164 of the Cr.P.C. and alleged against the petitioners. Counsel further submits that other co-accused had moved before this Hon'ble Court vide order dated 28.05.2024 passed in Cr. Misc. No. 38198 of 2024 for regular bail but this case was withdrawn, whereas the present case has been filed for anticipatory bail.

7. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Main P.S. Case No. 87 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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