

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67197 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- KOTWA District- East Champaran

1. Shivam Kumar Son Of Indal Singh Resident Of Villeg -SOBAIYA, Ps- Kotwa, Distt- East Champaran
2. Baliram Mahato @ Balram Kumar Son Of Ramyash Mahto Resident Of Villeg -MACHHARGAWA, Ps- Kotwa, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 363, 366, 387, 504, 506 and 34 of the Indian Penal Code and Section 67 of I.T Act.

3. Learned counsel for the petitioners submits that petitioner No. 1 is a person with the antecedent and petitioner No. 2 has antecedent of one case. It is next submitted that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that no doubt the informant has tried to make out a serious case by alleging that she was



abducted by the accused person, including the petitioner, from the house of her sister on 12-7-2023 and prior to that even it is alleged that the accused persons, including the petitioner, had threatened her father on account of which he suffered brain hemorrhage on 12-6-2023 and later died during the course of treatment on 16-6-2023, as such, the informant on the advice of his mother came to reside with her sister as she feared the accused person, including the petitioner, that after the death of her father, they may cause harm to her, further alleges that after abducting her, she was taken to some place where politicians and criminals used to visit, and the accused person used to force her for establishing physical relations. It is also alleged that the accused person, including the petitioners, used to call their agents asking them to inform the family members of the informant for giving extortion of Rs. 5 lakhs failing which she would be killed. It is next alleged that they even made objectionable video of the informant and threatened to make it viral if she does not give in to their demands. It is next alleged that somehow she managed to flee and came to Sulaiya village, when the police was informed by the villagers and accordingly the police and her family members came and saw her pitiable condition hence her family member got her treated in a private



hospital and thereafter the instant case was instituted.

4. Learned counsel submits that it does not stand to reason that if what has been alleged by the informant in the FIR is true then why the FIR was not instituted by her mother, sister or any of her relatives. It is also submitted that it absolutely does not stand to reason that the victim after coming back would institute a case of her own abduction which casts an aspersion on the case of the prosecution. It is next submitted that the informant alleges that she somehow managed to escape from the clutches of the accused person and reached village Sulaiya where the police was informed but then submits that the police did not institute any FIR which further goes to demonstrate that the informant, only to give seriousness to the case, is trying to make out a false case with false allegations for reasons best known for implicating the petitioner and others. It is next submitted that if what has been alleged in the FIR would have been true in that event, the police would have taken immediate action and would have got the informant treated in a government hospital and even if she was treated in a private hospital, still her *fardbayan* would have been recorded. The learned counsel thus submits that the allegation as alleged does not inspire confidence and appears to be vague and cryptic.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kotwa P.S. Case No. 277 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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