

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69502 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- PHENHARA District- East Champaran

1. GAUTAM SINGH @ GAUTAM KUMAR Son of Bhikari Singh Resident of Village - Khan Pipra, P.S.- Fenhara, District - East Champaran
2. Bhikari Singh Son of Late Baran Singh Resident of Village - Khan Pipra, P.S.- Fenhara, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Fenhara P.S. Case No.176 of 2022, registered for the offence punishable under Sections 363, 365, 448, 504, 506, 34 of the Indian Penal Code and Section 8 of POCSO Act.

3. The allegation against the petitioners is that they entered into the house of the informant and kidnapped his minor daughter after sprinkling intoxicants.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is an inordinate delay of 9 days in lodging of the FIR. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the investigation is still going on and the victim girl has not been recovered yet.

6. Having regard to the facts and circumstances of the case as well as considering that the victim is still traceless, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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