

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71599 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- TARIYANI CHAPRA PS District- Sheohar

ROHIT KUMAR S/o Shashi Bhushan Mahto R/o Village - Sultanpur, P.S. -
Tariyari, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash Mr. Udeshya Kumar Yadav
For the Opposite Party/s :		Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 19-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tariyari Chapra Police Station Case No. 06 of 2023, dated 29.01.2023, disclosing offences under Sections 363/366/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 26.01.2023, in the night, when the daughter of the informant came out in order to attend nature's call, all the accused persons, including the petitioner, kidnapped her on a Bolero vehicle and fled away. The informant and his family members have seen the petitioner and others fleeing away after kidnapping the informant's daughter for the purpose of marriage.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case without any basis. He next submits that nobody has seen the occurrence and dead body of the informant's daughter-victim was found in a field under heap of straw on 01.02.2023. Learned counsel further submits that the marriage of the victim was to be solemnized with some other person, namely, Prem Kumar, which was not to the liking of the victim and she was willing to marry the petitioner. Learned counsel submits that dead body of the informant's daughter was found near the house of the informant, as would be evident from the statement made by the Mahal Chowkidar in para-25 of the case diary. He also submits that both the parties have entered into compromise and a joint compromise petition has been filed before the concerned court.
5. On the other hand, learned counsel for the State vehemently opposes the prayer for bail and submits that the informant and his family members are the eye-witnesses and they have seen the occurrence that the informant's daughter was kidnapped on a bolero vehicle by the petitioner and other. The petitioner is specifically named in the First Information Report. He next submits



that in close proximity of time on 01.02.2023, the dead body of the informant's daughter was found near the house of the petitioner as per the para-77 of the case diary. Referring to the para-85 of the case diary, learned counsel submits that mobile tower location of both the deceased and the petitioner was showing the same location.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation in the First Information Report and the fact that in close proximity of time, after kidnapping, the dead body of the victim was found, the mobile location of both the deceased and the petitioner was at the same place and the offences alleged against the petitioner are not compoundable, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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