

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77975 of 2024

Arising Out of PS. Case No.-280 Year-2017 Thana- MOHANIYA District- Kaimur (Bhabua)

Rakesh Sah @ Bhuwar Sah @ Rakesh Kumar Son of Virendra Sah R/O Vill-
Bhadaula, P.S- Kudra, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 27-11-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Mohania PS case no. 280 of 2017, disclosing
offences punishable under Section 366(A)/34 of the Indian
Penal Code.
3. The prosecution story, as per the First
Information Report, is that the petitioner along with other
accused persons kidnapped the daughter of the informant,
aged about 15 years.
4. Learned Counsel for the petitioner submits that



petitioner has falsely been implicated in this case and the main allegation in the complaint/ First Information Report is against accused no. 1 and 2, who have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.02.2019, passed in Cr. Misc. No. 69042 of 2018. Learned counsel further submits that the occurrence took place on 13.03.2015 but the complaint was filed on 27.04.2015 and later on, First Information Report has been registered on 10.06.2017, which creates suspicion regarding the prosecution case. The petitioner is stated to be having no criminal antecedent.

5. I have heard learned counsel for the parties and perused the impugned order. It transpires that the F.I.R. was lodged in the year 2017 bearing Mohania PS Case No. 280 of 2017. The petitioner filed an anticipatory bail application in the year 2017, before the learned Sessions Judge, which was dismissed on 29.07.2017. Thereafter, it appears that the petitioner did not take any step for securing bail and now, after 07 years, the petitioner has filed the present application for anticipatory bail on the ground that co-accused persons have been granted anticipatory bail in the year 2019.

6. Taking into consideration the fact that



the victim girl has not yet been recovered and the petitioner did not take any steps for about 07 years for anticipatory bail, hence, in my opinion, anticipatory bail cannot be granted to the petitioner.

7. The prayer for anticipatory bail is, accordingly, rejected.

(Anil Kumar Sinha, J)

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