

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82243 of 2023**

Arising Out of PS. Case No.-22 Year-2017 Thana- AZIMABAD District- Bhojpur

Vivek Singh @ Vivek Kumar Singh S/O Phalendra Singh @ Falendra Singh
Village- Alawalpur, Ps. Gaurichak, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

- 3 19-03-2024 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 366A/120B of the Indian Penal Code.
3. As per the prosecution case, this petitioner along with one co-accused Rakesh Kumar Singh and two unknown persons armed with rifle kidnapped the niece of the informant.
4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. No such occurrence, as alleged in the F.I.R., has ever taken place. As a matter of fact, the informant along with unknown person came to the house of the petitioner at Alawalpur on 05.12.2017 and kidnapped his father. When information was received by the family members of the petitioner, mother of the petitioner filed an application dated 09.12.2017 before the police of Gauri Chak



police station and later Gaurichak P. S. Case No. 338 of 2017 was lodged on 12.12.2017. Present case is counter blast of the aforesaid case. It is further submitted that from bare perusal of the F.I.R. it is apparent that alleged date of occurrence is 05.12.2017 but the present case has been lodged on 13.12.2017, after lapse of 8 days without any explanation for the same. Petitioner is a student and claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Azimabad P. S. Case No. 22 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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