

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82039 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- BIHIA District- Bhojpur

1. ABISHEK YADAV @ ABHISHEK KUMAR YADAV S/O RAJ KISHOR YADAV R/O VILLAGE- HARIHARPUR, PS. SAHPUR, DIST.BHOJPUR
2. GEANTI DEVI @ SHANTI DEVI W/O RAJ KISHOR YADAV R/O VILLAGE- HARIHARPUR, PS. SAHPUR, DIST.BHOJPUR
3. UPENDRA KUMAR @ UPENDRA YADAV S/O HAR NARAYAN YADAV R/O VILLAGE- HARIHARPUR, PS. SAHPUR, DIST.BHOJPUR
4. RAJ KISHOR YADAV S/O HAR NARAYAN YADAV R/O VILLAGE- HARIHARPUR, PS. SAHPUR, DIST.BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2024 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 Section 366(a)/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including these petitioners are said to have kidnapped the informant's minor daughter.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no



offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is inordinate and abnormal delay of more than one month in lodging the FIR without assigning any plausible and convincing reason for the said delay. Petitioner nos. 2, 3 & 4 have been made accused in the present case merely because they are family members of petitioner no.1. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. in which she has supported the prosecution case and took the name of petitioner no.1.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner nos. 2, 3 & 4 and their names have been transpired in the present case merely because they are family members of petitioner no.1, let the above named petitioner no.2, 3 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihiya (Bahoranpur O.P.) P.S. Case No. 184 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, considering the statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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