

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10483 of 2025

Arising Out of PS. Case No.-1105 Year-2024 Thana- PHULWARISHARIF District- Patna

Ganesh Kumar Chaudhary @ Ganesh Kumar S/O Nand Chaudhary Resident
Of Mohalla - Karbala Road, Near Guddu General Store, P.S- Phulwari Sharif,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar Suman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2025 Heard Mr. Saurav Kumar Suman, learned counsel
appearing on behalf of the petitioner and Mr. Shyam Kumar
Singh, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Phulwari Sharif (Janipur) P.S. Case No. 1105 of 2024
registered under Sections 137(2), 87, 84, 3 of the BNS.

3. As per the allegation made in the FIR, the petitioner
allegedly forced the informant's (Sushma Kumari) mother
namely Sita Devi to go to Calcutta at the place of co-accused
Rakibul Shek and Raja Kumar and they took Rs.50,000/- from
her (informant's mother) and allegedly kidnapped her.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has no



role in the alleged kidnapping rather the victim (mother of the informant) at her own will went to Calcutta. The allegation against the petitioner that he has extorted Rs.50,000/- is not well substantiated. In the statement recorded under the Section 164 of the Cr.P.C., the victim has stated that no physical or sexual assault has been caused to her and the only allegation she has made is that the petitioner had forced her for going to Calcutta, therefore, the question of extortion and kidnapping don't arise. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State referring to the statement of victim recorded under the Section 164 of the Cr.P.C. has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, I find that the same is not supported by the statement recorded under the Section 164 of the Cr.P.C., wherein, the victim has stated that no physical or sexual assault has been caused to her and the only allegation she has made is that the petitioner has forced her for going to Calcutta, therefore, the question of extortion and kidnapping don't arise, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory



bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Patna in connection with Phulwari Sharif (Janipur) P.S. Case No. 1105 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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