

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22035 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Raushan Kumar S/O Shailendra Chauhan @ Surendra Chouhan R/O Village- Ganpat Nagar, P.S- Neemchak Bathani, Distt.- Gaya.
2. Kaushal Kumar S/O Shailendra Chauhan @ Surendra Chauhan R/O Village- Ganpat Nagar, P.S- Neemchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate Ms. Varsha Verma, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners and Mr. Pushpa Sinha.1, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No.49 of 2024 for the offence under Sections 366A/34 of the Indian Penal Code lodged on 16.03.2024 by the informant, Ramnandan Chauhan.

3. As per the prosecution story, the informant, who is the father of the victim, alleged that earlier there were some dispute with the petitioners which later resulted in her kidnapping. As she went to attend to nature's call, disappeared and this led to the lodging of F.I.R.



4. Learned counsel for the petitioners submits that in this case, vide order dated 23.04.2025, the Case diary, criminal antecedent report as well as statement of the victim girl were called for, which is on record. As per the 164 Cr. P.C. statement, the victim girl narrated that she left her place for Delhi on her own, reached there, visited Lal Qila, stayed at the station itself and later, returned. She has further narrated that a false F.I.R. has been lodged by her father.

5. Learned APP though opposes the prayer, concede that the girl has not supported the prosecution story.

6. Considering the submissions put forward by the parties as also the statement of the victim girl coupled with the fact that the petitioners have no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court of A.C.J.M.-1st, Gaya, in connection with Neemchak Bathani P.S. Case No.49 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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