

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51422 of 2024

Arising Out of PS. Case No.-29 Year-2017 Thana- LODIPUR District- Bhagalpur

1. Vishnu Choudhary, Male, aged about 24 years, Son of Jai Ram Choudhary.
2. Ashok Choudhary, Male, aged about 30 years, Son of Achhe Choudhary.
3. Punam Devi, Female, aged about 35 years, Wife of Rabindra Choudhary, All Resident of Village- Agarpur, P.S.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 21-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Lodipur P.S. Case No. 29 of 2017 instituted for the offences punishable under Sections 366A, 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons including the petitioners abducted the daughter of the informant with an intention to marry her.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. He further submits that the entire prosecution case is



maliciously false and concocted and no such occurrence ever took place as alleged by the informant. He next submits that petitioners and informant are neighbors. He lastly submits that the FIR has been lodged after a delay of about six days but there is no explanation for delay in lodging of the FIR in this case.

5. Learned APP for the State has opposes the prayer for bail and submits that both petitioners were involved in the abduction of informant's daughter and name of the petitioner no. 2 has surfaced from the statement of the victim recorded under Section 164 of the Cr.P.C. In her statement, age of the victim assessed as 15 years by the learned Magistrate and the medical report her age shows below 18 years. He lastly submits that the victim appears to be minor on the date of occurrence and the petitioners are directly involved in the abduction of informant's daughter, so the prayer for anticipatory bail of the petitioners be rejected.

6. From perusal of the FIR, case diary, statement recorded under Section 164 of the Cr.P.C. and also perused the impugned order dated 13.03.2024 passed by the learned Additional Sessions Judge-I, Bhagalpur, it appears that on the basis of written report of the informant, FIR has been registered under Sections 366A, 120B and 34 of the Indian Penal Code



against six accused persons including the petitioner nos. 1 and 3. It also appears that petitioner no. 2 is not named in the FIR and his name surfaced from the statement of the victim recorded under Section 164 of the Cr.P.C. In her statement, age of the victim assessed as 15 years by the learned Magistrate and the medical report her age shows below 18 years. The victim appears to be minor on the date of occurrence. After perusal of the case diary the statement of the victim recorded under Section 164 of the Cr.P.C., it appears that the allegation against these present petitioners are very serious in nature that they have abducted the minor girl of the informant for marrying her, so considering the involvement of the petitioners in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for anticipatory bail of the petitioners are hereby rejected.

(Ramesh Chand Malviya, J)

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