

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56321 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- PHENHARA District- East Champaran

1. Shalinder Yadav @ Shailendra Roy S/O Yadolal Rai R/O Vill.- Ratanwa, P.S.- Phenhara, Dist.- East Champaran
2. Surendra Rai S/O Yadolal Rai R/O Vill.- Ratanwa, P.S.- Phenhara, Dist.- East Champaran
3. Yadolal Rai @ Yadav Rai S/O Late Kanhaiya Lal R/O Vill.- Ratanwa, P.S.- Phenhara, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Abhinav Alok, Advocate
For the State	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 137(2) and 96 of the B.N.S..

3. As per prosecution case, it is alleged that co-accused Abhishek Kumar, along with these petitioners, kidnapped minor daughter of informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioner Nos. 1 and 3 are not



named in the F.I.R.. From bare perusal of the F.I.R. it is apparent that specific accusation of kidnapping is against co-accused Abhishek Kumar. Petitioners have falsely been implicated in this case merely because they happen to be relatives of co-accused Abhishek Kumar. It is further submitted that the present F.I.R. has been lodged after inordinate delay of 6 days and there is no plausible explanation for the same. Petitioner No. 3 has got no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that during course of investigation, the victim was recovered and in her statement recorded under Section 183 of the B.N.S.S. she has supported the prosecution case and has categorically stated that these petitioners, along with co-accused Abhishek Kumar, kidnapped her, took her to Muzaffarpur and thereafter, to Pune and during this period, she was raped. Petitioner Nos. 1 and 2 have go one criminal antecedent each.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation and statement of the victim recorded under Section 183 of the B.N.S.S., the



prayer for grant of anticipatory bail to the petitioners is rejected.

(Prabhat Kumar Singh, J)

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