

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70468 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Raja Kumar S/o Late Dilip Sharma Resident of Village and P.O-
Khanjhapur, P.S.- Cheriabariyarpur, District- Begusarai
 2. Abhishek Kumar @ Abhishek Sharma S/o Late Dilip Sharma Resident of
Village and P.O- Khanjhapur, P.S.- Cheriabariyarpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Patiya Devi W/o- Ramcharitra Sharma R/o- Village- Khanjhapur, Ward No.
06, P.S.- Cheriya Bariyarpur, Dist.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Mahto, Advocate
For the Opposite Party/s	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 24-06-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366/34 of
the Indian Penal Code.

3. The allegation in the F.I.R. is that the informant's
daughter did not come back home late night and her mobile was
also found switched off and hence, suspicion had been raised
against the petitioners namely Raja Kumar and Abhishek
Kumar, with whom there is a land litigation going on.

4. Learned counsel for the petitioner submits that it



would be apparent from the F.I.R. itself that the same is based only on a suspicion since there is land dispute going on between the parties. Further, the two petitioners are full brothers, who have been both made an accused in the present case. There is no eye witness to the case and even during the course of investigation, no substantial evidence has been collected to show the involvement of the present petitioners. The statement of the victim was also recorded after her recovery under Section 164 of the Cr.P.C. and a perusal of the same would show that she had accepted that she had gone along with one Subodh Kumar Sahni to Bangalore and had also got married with him and the said statement of the girl does not even make any mention of the names of these petitioners.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 oppose the prayer for anticipatory bail application.

6. Taking into consideration the statement of the victim girl under Section 164 of the Cr.P.C. and also considering that the petitioners have no criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned C.J.M., Manjhaul, Begusarai, in connection with Cheriabariyarpur P.S. Case No. 97 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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