

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34003 of 2025

Arising Out of PS. Case No.-837 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. Raushan Kumar S/O Raju Sahani R/O Village- Amaitha, P.S- Saraiya, Distt.- Muzaffarpur.
2. Raju Sahani S/O Basdev Sahani @ Basudev Sahani R/O Village- Amaitha, P.S- Saraiya, Distt.- Muzaffarpur.
3. Suman Kumar S/O Kailash Sahani R/O Village- Amaitha, P.S- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 15-01-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Saraiya P.S. Case No. 837 of 2022 registered for the offences punishable under Sections 363, 366(A), 34 of IPC.

3. As per FIR, allegation against petitioners is to kidnap the minor daughter of informant aged about 16 years for the purpose of illicit intercourse/ marriage with another person.

4. It is submitted by learned counsel appearing on behalf of the petitioners that earlier anticipatory bail of



petitioner no. 1 namely, Raushan Kumar and petitioner no. 2 namely, Raju Sahani was rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 62751 of 2023 vide order dated 16.10.2023, whereas anticipatory bail of petitioner no. 3 namely, Suman Kumar was withdrawn. It is pointed out that on the last occasion learned co-ordinate Bench called for statement of victim in connections with Saraiya P.S. Case No. 13 of 2023, where she stated nothing incriminating against these petitioners rather she stated that she out of her own sweet will solemnized marriage with one Rupesh Kumar, who is not the petitioner for the present. It is submitted that in view of statement of victim as recorded in Saraiya P.S. Case No. 837 of 2022, all three petitioners deserves bail who are men of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that on earlier occasions considering the merit and statement of victim recorded under section 164 of Cr.P.C., the anticipatory bail prayer of petitioners was rejected by learned co-ordinate Bench and there is no changed circumstances. It is pointed out that statement of victim *qua*



another co-accused person in another criminal case i.e., Saraiya P.S. Case as discussed aforesaid, is of no bearing with present case.

6. In view of aforesaid factual submissions and by taking note of fact as on earlier occasions the prayer of bail of petitioners stands rejected by one of the learned co-ordinate Bench as discussed aforesaid, considering the statement of victim recorded under section 164 of Cr.P.C., accordingly, the prayer of anticipatory bail of all above-named three petitioners stands **rejected**.

7. However, upon surrender, learned trial court is directed to decide the prayer of regular bail of petitioners in accordance with law without being prejudiced by any of the observation of this Court.

(Chandra Shekhar Jha, J)

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