

Kari Choudhary @ Pramod Choudhary @ ... vs The State Of Bihar on 1 February, 2023

Author: Rajiv Roy

Bench: Rajiv Roy

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34931 of 2022
Arising Out of PS. Case No.-280 Year-2022 Thana- BEGUSARAI COMPLAINT
District- Begusarai

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1. Kari Choudhary @ Pramod Choudhary @ Pramod Pashi S/o Late Suresh Choudhary
 2. Rajesh Pashi @ Rajesh Choudhary S/o Late Arjun Choudhary
 3. Deepak Choudhary S/o Late Arjun Choudhary
 4. Sahdeo Choudhary S/o Late Banarasi Choudhary
 5. Mukesh Pashi @ Mukesh Choudhary S/o Late Natho Choudhary
- All Resident of Village- Naulagarh, (Bhith) Ward No.21, P.S.- Bhagwanpur
District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Ramkumar Sahni S/o Late Ramsagar Sahni Resident of Village- Naulagarh,
P.s.- Bhagwanpur, District- Begusarai.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-02-2023

Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Complaint Case No.280C of 2022 instituted under Sections 365,34 of the Indian Penal Code.

As per the prosecution story, the allegation is that the accused Kari Chaudhary had lodged Mahila P.S. Case No.32 of 2021 under POCSO Act in which the son of the complainant namely Manish Kumar Sahni was made accused and is in custody since 18.10.2021.

Patna High Court CR. MISC. No.34931 of 2022(3) dt.01-02-2023 The wife of Manish Kumar Sahni namely Sanju Kumari and the complainant tried their level best for getting bail of the accused son unsuccessfully. Thereafter, the lady approached the accused no.1, petitioner herein for compromise

and in the garb of said compromise the accused person took his daughter-law-law as also her child with them. Subsequently, they never returned. Accordingly, the complaint was lodged.

Learned counsel for the petitioners submits that it is hard to believe that the complainant allowed the lady and her child to go with the accused persons when admittedly there was enmity between the parties. The further submission is that now the complainant himself has chosen to compromise the matter and accordingly produce a document to this effect dated 25.08.2022.

Learned APP on the other hand submits that there is grave allegation against the present accused that in the garb of compromise, he took the lady and her child away who never returned and till date they are traceless. As such, this compromise by the father-in-law has no meaning.

Taking into account the aforesaid fact that the lady as also the child is still traceless and allegation of kidnapping is against the petitioner herein, no relief can be granted to him and Patna High Court CR. MISC. No.34931 of 2022(3) dt.01-02-2023 his anticipatory bail stands rejected.

If however, he chooses to surrenders before the concerned court within four weeks from today, the learned court shall take into the account the factors available on record and will pass an appropriate order without being prejudiced by any observation made herein.

(Rajiv Roy, J) Prakash Narayan /-

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