

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7123 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- KAHALGAON District- Bhagalpur

KALPANA DEVI WIFE OF DEEPAK KUMAR DAS R/O VILLAGE-
SHOBHNATHPUR, P.S.- KAHALGAON, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8080 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- KAHALGAON District- Bhagalpur

MAJNU DAS SON OF BUNDEL DAS RESIDENT OF VILLAGE-
SHOBHNATHPUR, P.S.- KAHALGAON, DISTRICT- BHAGALPUR

... .. petitioners/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7123 of 2022)

For the petitioners/s : Mr. Indeshwari Prasad Mandal, Adv

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 8080 of 2022)

For the petitioners/s : Mr. Chandrasekhar Sharma, Adv

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.



The petitioners apprehend their arrest in a case registered for the offence punishable under section 363, 366A of the I.P.C. and later on added section 376 I.P.C and 8 of the POCSO Act .

Allegedly, the daughter of the informant disappeared in the night. After enquiry from neighbours, she got to know that co-accused Deepak enticed her daughter and his wife stated that her husband has taken away the victim.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to suspicion. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is also submitted that the prime accused Deepak Kumar Das is already in judicial custody. He further submits that the statement of the victim recorded in section 164 Cr.P.C. has not supported the prosecution case. Petitioners have no criminal antecedent, mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and materials available on record, let the above named



petitioners be released on bail, in the event of their arrest or
surrender before the learned court below within a period of six
weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) **each** with two sureties of the
like amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in Kahalgaon P.S.
Case No. 483 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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