

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7956 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

Sangita Kumari @ Sangita Kumar D/O- Rambilash Tanti R/O Village-
Bishanpur @ Mishanrampur, P.S.- Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9986 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

1. Brahamdeo Tanti Son Of Late Prasadi Tanti Resident Of Village-
Bishunrampur, P.S.- Nathnagar (Kajraili), District- Bhagalpur.
2. Sudin Tanti Son Of Chhedi Tanti Resident Of Village- Bishunrampur, Police
Station- Nathnagar (Kajraili), District- Bhagalpur.
3. Mahendra Tanti Son Of Sital Tanti Resident Of Village- Bishunrampur, P.S.-
Nathnagar (Kajraili), District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7956 of 2022)

For the Petitioner/s : Mr.Bijendra Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 9986 of 2022)

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioners submits that the
petitioner nos. 2 and 3 of Cr. Misc. No. 9986 of 2022 have been
arrested by the police, therefore, he seeks permission to
withdraw this application with regard to petitioner nos. 2 and 3
of Cr. Misc. No. 9986 of 2022.

Permission is granted.



Accordingly, this application is dismissed as withdrawn with regard to petitioner nos. 2 and 3 of Cr. Misc. No. 9986 of 2022.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State for consideration of bail with regard to rest of the petitioners.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 366A, 376/34 of the Indian Penal Code and Section 3/17 of the POCSO Act.

When the informant woke up for natural call, he found the door of victim's room was opened. On search, at morning, he came to know that one Nemani Kumar has induced the victim and he has taken her away with intention of marriage.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that after investigation, police has filed final form against all the accused except Nemani



Kumar but the learned court below has taken cognizance against the petitioners on the material available in the case diary. He submits that the victim in her statement recorded under Section 164 of the Cr.P.C. has not supported the prosecution case. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 connection with Kajraili P.S. Case No. 08 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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