

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15879 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- SONBERSA District- Sitamarhi

1. SHIVKALI DEVI Wife of Sheetal Ram Resident of village - Majhaura, P.S.- Bela, Distt.- Sitamarhi
2. Sheetal Ram Son of Late Vilas Ram Resident of village - Majhaura, P.S.- Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard the parties.

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, 366(A) read with section 34 of the Indian Penal Code and section 8 of POCSO Act.

Allegedly, the co-accused Ram Kumar along with the present petitioners kidnapped the daughter of the informant for the purpose of marriage.



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. 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. Petitioners are the father and mother of the co-accused Ram Kumar. There is no specific overt act against the petitioners. The co-accused Ram Kumar has been granted regular bail by a co-ordinate bench of this Court in Cr. Misc. No. 45945 of 2021 dated 05.01.2022. The victim in her statement recorded under section 164 Cr.P.C stated that she was not kidnapped and she married the son of the petitioners out of her free will and expressed her willingness to stay with him. The age of the victim was found between 18-19 years. Petitioners have no criminal antecedent, as also 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, since there is no specific overt act against the petitioners, 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 Sonbarsa P.S. Case No.111 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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