

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33920 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. PAJULAL MAHTO S/o Lakhan Mahto R/o village- Pakri, P.S.- Dumariya Ghat, District- East Champaran at Motihari
 2. MEENA DEVI W/o Pajulal Mahto R/o village- Pakri, P.S.- Dumariya Ghat, District- East Champaran at Motihari
 3. MUKESH MAHTO S/o Pajulal Mahto R/o village- Pakri, P.S.- Dumariya Ghat, District- East Champaran at Motihari
 4. CHANDA DEVI W/o Lakhindar Mahto R/o village- Pakri, P.S.- Dumariya Ghat, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2022 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.

Learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.2, as she has been apprehended by the police during pendency of this application.



Permission is granted.

Accordingly, the instant application as against petitioner no.2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner nos.1, 3 and 4 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 363, 366(A), 34 of the Indian Penal Code and section 8 of POCSO Act.

Allegedly, the petitioners took away the daughter of the informant. Informant has suspicion that the petitioners have sold his daughter.

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 enmity. 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. There is no specific overt act against the petitioners. The informant's daughter and co-accused Vikash Kumar were having love affair with each other. Petitioners have been made accused because they are the family members of co-accused Vikash. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail



application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that victim girl is a minor.

Having regard to the facts and circumstances of the case, since the victim is a minor, I am not inclined to grant bail to the petitioner nos.1, 3 and 4. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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