

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34692 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- SAHODARA District- West Champaran

1. JAINATH RAI S/o Chandev Rai R/o- Village - Bajra, P.S.- Sahodara, District - West Champaran.
2. RAMANI DEVI W/o Jainath Rai R/o- Village - Bajra, P.S.- Sahodara, District - West Champaran.
3. ANJANI KUMARI d/o Jainath Rai R/o- Village - Bajra, P.S.- Sahodara, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 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, 366a, 34 of IPC and u/s 8 and 18 (POCSO) Act.

Allegedly, the petitioners along with other accused persons kidnapped the daughter of the informant with an intention to marry her. It is further alleged that the daughter of



the informant took Rs.20,000/- cash and some gold ornaments with her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and hav 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. There is no specific overt act against the petitioners. It is mentioned in the F.I.R. itself that the daughter of the informant took cash and ornaments along with her. The occurrence took place on 23.02.2022 but the F.I.R. was lodged on 25.03.2022 i.e. after a delay of two days without giving any plausible explanation regarding the same, which creates a serious doubt about the prosecution story. 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.

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 Sahodara P.S. Case No.36 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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