

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44331 of 2021

Arising Out of PS. Case No.-296 Year-2019 Thana- KOTWALI District- Munger

1. NISHA DEVI Son of Mukesh Kumar Resident of Village - Ial Darwaza, P.S.- Kotwali, Distt.- Munger.
2. Punam Devi W/o Abhimanyu Yadav Resident of Village - Manshi, P.S.- Manshi, Distt.- Khagaria.
3. Abhimanyu Yadav @ Mannu Yadav Son of Rambahadur Yadav Resident of Village - Manshi, P.S.- Manshi, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav
For the Opposite Party/s : Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in Kotwali P.S. Case No.296 of 2019, registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The petitioners are said to have kidnapped the daughter of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that from perusal of the



medical report, it appears that the age of the victim is 18-19 years and in another trial, co-accused has been acquitted as the informant was declared hostile. It is also submitted that no overt act is alleged against the petitioners. It is further submitted that petitioners no.1 and 2 are ladies. The petitioners have got no criminal antecedent as stated in paragraph 3 of the bail application.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioners by submitting that in 164 Cr.P.C. Statement, the victim has supported the prosecution case. Learned APP for the State further submits that the petitioners along with co-accused have kidnapped the minor victim and taken her away to Mansi, confined in the house of petitioners no.2 and 3 and co-accused Mukesh Kumar committed rape upon the victim girl.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Anjani Kumar Sharan, J.)

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