

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48738 of 2021**

Arising Out of PS. Case No.-115 Year-2021 Thana- KORHA District- Katihar

1. KRANTI DEVI @ KANTI DEVI W/o- Suresh Sah Resident of Village- Bishariya, Police Station- Korha, District- Katihar.
2. Akhilesh Kumar Son of Suresh Sah Resident of Village- Bishariya, Police Station- Korha, District- Katihar.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 25-04-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

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

The petitioners apprehend their arrest in Korha P.S. case No. 115/21 registered for the offences punishable under Sections 363, 366A and 376/34 of the Indian Penal Code and Section 4 of POCSO Act pending in the Court of learned Chief Judicial Magistrate, Katihar.

The petitioners in association of other named accused are said to have kidnapped the minor daughter of the



informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case because petitioner no.1 is the mother and petitioner no.2 is the brother of the co-accused Mithilesh Kumar. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the fact that victim is minor, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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